

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
ORGANIZATIONAL
SESSION OF 1979

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 9, 1979



Vol. 1

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

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To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
3. A listing of legislative days, with calendar dates and pages on which each day begins;
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JOURNAL
OF THE
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STATE OF ALABAMA
ORGANIZATIONAL SESSION OF 1979

FIRST DAY

TUESDAY, JANUARY 9, 1979

This being the second Tuesday in January, A.D., 1979, and the day fixed by law and the Constitution of the State of Alabama for the Organizational Session of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Capitol, at 12 o'clock Noon, and was called to order by Lieutenant Governor Beasley. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Cecil Bradley, Minister, St. James United Methodist Church, Montgomery, Alabama.

CERTIFICATE OF ELECTION

At the direction of the President and Presiding Officer of the Senate, the Secretary read the following Certificate of Election from the Secretary of State, to-wit:

STATE OF ALABAMA
DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the election held on November 7, 1978, received in this Department in accordance with law, that the following named persons were elected to the State Senate for a term of four years, from the Thirty-five Senatorial Districts as follows:

District No. 1, Bobby Denton; District No. 2, Charlie Britnell; District No. 3, Charles B. Martin; District No. 4, Finis St. John; District No. 5, Robert (Bob) Hall; District No. 6, Albert McDonald; District No. 7, Bill Smith; District No. 8, James Lemaster; District No. 9, Hinton Mitchem; District No. 10, Larry H. Keener; District No. 11, Dewey White; District No. 12, Paschal P. (Pat) Vacca; District No. 13, J. Richmond Pearson; District No. 14, Mac Parsons; District No. 15, U. W. Clemon; District No. 16, Ryan deGraffenried, Jr.; District No. 17, Doug Cook; District No. 18, Lister Hill Proctor; District No. 19, John A. Teague; District No. 20, Donald G. Holmes; District No. 21, T. D. (Ted) Little; District No. 22, G. J. "Dutch" Higginbotham; District No.

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23, Mike Weeks; District No. 24, Chip Bailey; District No. 25, Wallace Miller; District No. 26, Don Harrison; District No. 27, Bishop N. Barron; District No. 28, Cordy Taylor; District No. 29, Earl Goodwin; District No. 30, Edward D. (Big Ed) Robertson; District No. 31, Reo Kirkland, Jr.; District No. 32, Robert I. (Bob) Gullledge; District No. 33, Michael A. Figures; District No. 34, H. L. (Sonny) Callahan; District No. 35, Bob Glass.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 20th day of November, One Thousand Nine Hundred and Seventy-eight.

MRS. AGNES BAGGETT,
Secretary of State.

STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

"The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following members of the Senate certified elected by the Secretary of State on November 7, 1978, their credentials having been presented, and oath of office subscribed to by each Senator, to-wit:

"Chip Bailey, Bishop N. Barron, Charlie Britnell, H. L. Callahan, John W. Cook, Ryan deGraffenried, Jr., Bobby Denton, Michael A. Figures, Earl Goodwin, Robert I. Gullledge, Robert B. Hall, Don Harrison, G. J. Higginbotham, Donald Holmes, Larry H. Keener, Reo Kirkland, Jr., James Lemaster, T. D. Little, Albert McDonald, Charles B. Martin, J. Wallace Miller, Hinton Mitchem, Mac Parsons, J. Richmond Pearson, Lister Hill Proctor, Edward D. Robertson, Bill Smith, Finis E. St. John, Cordy Taylor, Paschal P. Vacca, Mike Weeks, Dewey A. White, Jr."

OATH OF OFFICE

Upon the request of the President and Presiding Officer of the Senate, Honorable Jere Beasley, the following Senators-elect came forward, presented their credentials, and Honorable Jere Beasley administered to them the oath of office prescribed by the Constitution of the State, and each Senator-elect came forward and subscribed his name to the oath of office as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God."

"U. W. Clemon, Bob Glass, John A. Teague"

ROLL CALL

Whereupon, on a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Messrs.	Callahan	Denton	Gullledge
Bailey	Clemon	Figures	Hall
Barron	Cook	Glass	Harrison
Britnell	deGraffenried	Goodwin	Higginbotham

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Holmes	Martin	Pearson	Taylor
Keener	McDonald	Proctor	Teague
Kirkland	Miller	Robertson	Vacca
Lemaster	Mitchem	St. John	Weeks
Little	Parsons	Smith	White

—35

ELECTION OF OFFICERS

The President and Presiding Officer of the Senate announced that the next order of business was the election of officers as follows: President Pro Tempore and Assistant Secretary.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. Mitchem placed in nomination for President Pro Tempore of the Senate the name of the Honorable Finis St. John, which nomination was seconded by Mr. Clemon.

On motion of Mr. Pearson, seconded by Mr. Higginbotham, the nominations for the office of President Pro Tempore were closed.

Those who voted for Mr. St. John are:

Yeas 34; Nays 0.

Abstaining 1.

Yeas:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

—34

Nays:

—0

Abstaining: Mr. St. John.

—1

Mr. St. John, having received a unanimous vote of the Senate, was declared duly and constitutionally elected President Pro Tempore of the Senate for the term prescribed by law.

OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable Jere Beasley to the Honorable Finis St. John, President Pro Tempore.

Whereupon, the Honorable Finis St. John was escorted to the chair, and assumed the duties of Presiding Officer.

ELECTION OF ASSISTANT SECRETARY

Mr. Little placed in nomination for Assistant Secretary of the Senate the name of John D. Crawford, seconded by Mr. Higginbotham.

On motion of Mr. Pearson, the nominations for Assistant Secretary of the Senate were closed.

Those who voted for Mr. Crawford are:

Yeas 35; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

Nays:

—0

Mr. Crawford, having received a unanimous vote of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate, for the term prescribed by law.

OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the President Pro Tempore of the Senate to the Honorable John D. Crawford, Assistant Secretary of the Senate.

RESOLUTIONS

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Messrs. Pearson, Little, and White.

Mr. McDonald then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. RELATIVE TO AJOURNMENT OF THE TWO HOUSES.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, they adjourn to meet again in Joint Session in the House Chamber on January 10, 1979, at 11 o'clock A.M.; and when they adjourn on January 10, they adjourn to meet again on January 16, 1969; and when they adjourn on January 16, they adjourn sine die.

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

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Mr. McDonald then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 3. JOINT SESSION TO HEAR MESSAGE OF HIS EXCEL-
LENCY, THE GOVERNOR.**

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a Committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That a Joint Session of the Legislature be held at one o'clock p.m. Wednesday, January 10, 1979, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED That the above mentioned Committee be appointed to wait upon the Governor and advise him that the two Houses will meet in Joint Session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the Hall of the House of Representatives for the Joint Session.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Messrs. Callahan, Goodwin, and deGraffenried.

Mr. McDonald then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. ADOPTING JOINT RULES OF THE TWO HOUSES OF
THE LEGISLATURE OF ALABAMA FOR 1979.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature:

**JOINT RULES OF THE TWO HOUSES OF
THE LEGISLATURE OF ALABAMA
1979**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bills.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house

unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8-1/2" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills or general bills of local application on a population basis.

12. No bill amending an existing statute shall be introduced in the Legislature unless: (a) the subject of the bill, independent of references to code sections, is clearly expressed in the title, and (b) unless the material to be

inserted is shown by underscored type, provided, however, that the provisions of 13(b) shall not apply to local bills or general bills of local application on a population basis.

13. All bills, except local bills and general bills with local application, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO LOBBYING

15. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either house of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

Any person, or the head of any firm, corporation or association employing a registered lobbyist must certify under oath to the Clerk of the House and the Secretary of the Senate, respectively, the name and address of all persons that they have employed to represent them as lobbyists with the Alabama Legislature. No person shall become registered as a lobbyist to represent any person, firm, corporation or association unless he is so certified by the person, firm, corporation or association as one of their lobbyists.

Whenever any person, firm, corporation or association discharges a lobbyist, or he leaves their employment for any reason, such person, or the head of any firm, corporation or association shall immediately so certify said fact to the Clerk of the House and the Secretary of the Senate, respectively.

16. Method of Registration. At each regular or special session of the Legislature prior to engaging in the activities described in Rule 15 above, every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state under oath his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

The Secretary and the Clerk, respectively, shall publish in the journal of each regular and special session, in tabulation form, a list of those filing the registration statements under this rule together with the information contained therein.

No registered lobbyist shall be permitted upon the floor of either house while it is in session.

17. **Registration Exception.** Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

18. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

19. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and may appear in person before said committee.

The Committee on Rules shall render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case would constitute a violation of these rules. All opinions shall delete names and be numbered, dated, and published in the journals of the respective houses.

20. **Compilation of Opinions; Lists of Lobbyists.** The Secretary of the Senate and the Clerk of the House, respectively, shall keep a compilation of all advisory opinions of the Committee on Rules as well as a current list of registered lobbyists which shall be open to public inspection.

21. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective house upon recommendation of the Committee on Rules. The Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to

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report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Mr. McDonald, the Resolution, S. J. R. 4, was adopted by the Senate, and the Rules as set out in said Resolution were adopted as the Rules of the Senate for the ensuing quadrennium.

Yeas 35; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House to notify the Senate that the House has perfected its organization by the elections of the following officers:

Speaker: Joe C. McCorquodale, Jr.

Speaker Pro Tempore: Richard S. Manley

and is now ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. McDonald then offered the following Senate Resolution, to-wit:

S. R. 5. ADOPTING RULES OF THE SENATE FOR THE ENSUING QUADRENNIUM.

BE IT RESOLVED BY THE ALABAMA SENATE, That the following are hereby adopted as the Rules of the Senate for the ensuing quadrennium, to-wit:

GENERAL RULES OF ORDER
AND PROCEDURE

RULE 1. The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. He shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business; if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 38.

RULE 2. Unless it is otherwise specially provided for by resolution or motion, the Senate shall meet at ten o'clock a.m., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

RULE 3. No person shall be admitted to the floor of the Senate's chamber while the Senate is in session except members and former members of the Legislature (provided, however, that when former members are on the floor, they shall not be engaged in any lobbying activity), officers and employees of the two houses, the employees of the presiding officer, the Governor and his Executive Secretary, representatives of the press, who shall be placed by the Secretary of the Senate, the directors and employees of the Department of Archives and History, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in their work; provided, however, that on the first legislative day of any regular, special, or organizational session the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

RULE 4. Only the presiding officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only at such times as will not interrupt or disturb the orderly transaction of the business of the Senate.

RULE 5. No person shall be allowed to lobby in the Senate's chamber while the Senate is in session.

RULE 6. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present any petition, memorial, or address, or to have any such petition, memorial, or address read.

RULE 7. After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Uncontested local bills;
- 8th, Consent Calendar;
- 9th, Bills on third reading;
- 10th, Special orders of the day at twelve o'clock noon;
- 11th, Other business.

RULE 8. The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution previously considered and

reported by the Committee on Rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

RULE 9. Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to committees shall be introduced.

RULE 10. No bills other than advertised local bills or general bills with local application shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.

RULE 11. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply to the eighth order of business (Rule 7), the Consent Calendar, except as provided in subparagraph 7 of Rule 14.

RULE 12. Special orders shall not be called on any legislative day before twelve o'clock noon, unless specially set for some other hour by motion or resolution.

RULE 13. Each motion or resolution for a bill to be placed on the Consent Calendar or for a special order shall be first referred to and reported from the Committee on Rules.

RULE 14. After a bill appears on the regular calendar, the sponsor of a Senate bill may, during the period for considering motions and resolutions, request that the bill be referred to the Committee on Rules for the placement on the Consent Calendar. Any member of the Senate may, during the call for motions and resolutions, upon motion, request that a House Bill be referred to the Committee on Rules for inclusion in the Consent Calendar. The referral to the Committee on Rules shall be limited to considering the bill for placement on the Consent Calendar, except as provided in subparagraphs (4) and (7) of this rule. Such request shall be deemed a privilege and shall be subject to the following procedures:

(1) During each session each Senator is limited to three requests for Senate bills and three requests for House bills to be referred to the Committee on Rules for placement on the Consent Calendar, whether such bills are placed on said calendar or not; provided, however, upon suspension of the rules a Senator may be entitled to exceed the number of requests stipulated herein;

(2) Unless the Clerk of the Committee on Rules receives written objections from five or more Senators, the bill will be automatically placed on the Consent Calendar; any objection must be received by the Clerk prior to the end of the second legislative day after the motion for placement on the Consent Calendar is made;

(3) If five or more written objections are received by the Clerk of the Committee on Rules, the request for placing the bill on the Consent Calendar shall fail automatically and the bill shall revert to the Regular Order Calendar when the Rules Committee next reports, under the fourth order of business (Rule 7); the Secretary shall place such bill at the end of the Regular Order Calendar.

(4) Bills on the Consent Calendar shall not be amended or substituted in any manner, nor subject to any motion except a motion to correct typographical, grammatical or technical errors, or a motion to suspend the rules, unless such motion shall be ruled by the chair as dilatory; provided, however,

if a House Bill, appearing on the Regular Senate Calendar, is identical in every respect and form to the Senate version, such bill may be offered as a substitute;

(5) The total time for debate on each bill shall not exceed thirty minutes, at which time a vote thereon shall be taken;

(6) The total time for consideration of the Consent Calendar shall not exceed two hours. If the two-hour period expires before the end of the time allotted in (5) above, the bill under debate shall be the first order of business on the Consent Calendar for the next day and prior time used for debate shall be deducted from the total allowed each bill; and each bill shall retain its position on said calendar until acted on by the Senate.

(7) After the 24th legislative day of a regular session or after the 10th legislative day of a special session, the Senate may, upon adoption of a resolution from the Rules Committee, establish a Special Order Consent Calendar from bills appearing on the Consent Calendar.

(8) Resolutions, local legislation and general bills of local application shall not be eligible for placement on the Consent Calendar.

(9) After the 24th legislative day of a regular session or after the 7th legislative day of a special session, no motions for placing bills on the Consent Calendar shall be in order.

RULE 15. Bills on third reading postponed to a day certain shall take precedence of other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

RULE 16. When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

RULE 17. Every motion shall be reduced to writing upon request of the presiding officer or of any Senator. Written motions shall be delivered to the Secretary at the desk and read before the same shall be debated.

RULE 18. Before any memorial or petition addressed to the Senate shall be received and read at the desk, a brief statement of its contents shall be made by the introducer.

RULE 19. When a question is under debate, no motion shall be received but: (1) to adjourn, (2) to adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day certain, and to lay on the table shall always be in order and shall be decided without debate.

RULE 20. The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

RULE 21. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by eighteen or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if

two-thirds of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

RULE 22. Messages may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

RULE 23. No discussion or debate shall be allowed while a vote is being taken.

RULE 24. Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

RULE 25. When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

RULE 26. If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

RULE 27. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent a subsequent motion to strike out and insert.

RULE 28. In filling blanks, the largest sum and longest time shall be put first.

RULE 29. When a vote has been taken on any question, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

RULE 30. When any question may have been decided by the Senate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.

RULE 31. Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

RULE 32. All motions to go into executive session shall be decided without debate.

RULE 33. Executive messages shall be considered with open doors unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate, but all executive nominations and appointments and executive amendments and vetoes shall be referred to, and be reported from the Committee on Rules before consideration by the Senate.

RULE 34. The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of all members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again read a second time, and then the aforesaid question shall be put.

RULE 35. During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first first reading in the House after the Senate adjourns on the 26th legislative day.

RULE 36. No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon. Any rule may be suspended by the consent of the Senate unless three or more Senators object thereto. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of the objecting Senators shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on Rules.

RULE 37. During the period between the end of the regular session and the convening of the next regular session, members may deliver bills to the Secretary of the Senate, which shall be known as "pre-filing." Such bills shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; provided, however, that no bill shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the following general election.

RULES RELATING TO SENATORS

RULE 38. No Senator shall absent himself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent Senator shall be paid out of funds appropriated for the Legislature.

RULE 39. When the yeas and nays shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

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RULE 40. No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time. The originator of the pending question, or the chairman of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

RULE 41. When a Senator shall be called to order by the President, or a Senator, he shall immediately sit down.

RULE 42. The Secretary shall cause to be printed for the use of each Senator, and each Senator shall promptly execute, a form on which there shall appear a place for the signature of such Senator and above it a statement of the names and addresses of each public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry subject to regulation by the Alabama Public Service Commission with which the Senator may, at that time or at any time within one year prior to the convening of the Senate in regular session, have been connected, as agent, employee, officer, director or attorney, or from which he receives, or has during such time received, compensation, direct or indirect, or has received a pass or rate concession or reduction of any nature whatsoever. If no such connection exists, a statement to that effect shall be made. Executed forms, and an unfilled form bearing the name of each Senator who fails to execute a form, shall be bound in alphabetical order, in a permanent volume, on or before the fifth legislative day of the regular session, which volume shall be kept open to public inspection in the office of the Secretary while the Senate is in session and shall be thereafter deposited with the permanent records of the Legislature.

RULES RELATING TO PRESIDING OFFICER

RULE 43. In the absence of the President when the Senate convenes, the President Pro Tempore shall preside; however, the President shall have the right to name a member to perform temporarily the duties of the Chair.

RULE 44. All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his own motion or on suggestion of any Senator, instruct the Secretary to read as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

RULE 45. Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate. The Chair may call for the sense of the Senate on any question of order or on any other matter properly before the Senate.

RULE 46. When two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

RULE 47. The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

RULE 48. The President shall control such parts of the Capitol and its passages as are set apart for the use of the Senate and its officers, and may, in his discretion, permit the proceedings of the Senate to be photographed, televised, or broadcast.

RULE 49. All committees of the Senate and the Chairmen and vice-chairmen thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Senators adopting these rules. In the event the President Pro Tempore assumes the presidency, he shall have the same authority.

RULES RELATING TO COMMITTEES

RULE 50. There shall be twelve (12) standing committees on the following subjects:

(1) **Finance and Taxation**, to which committee shall be referred all bills and other matters concerning the revenues, appropriations, (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rule 54), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would effect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rule 54. The Committee shall consist of nineteen (19) members.

(2) **Rules**, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 8); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order Consent Calendar [Rule 14(7)]; motions or resolutions for a special order (Rule 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 20); executive nominations and appointments and executive amendments and vetoes (Rule 33); propositions to suspend, modify, or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55); after the 26th legislative day, to act upon bills that originate in the Senate (Rule 59); after the 28th legislative day, to act upon bills that originate in the House of Representatives (Rule 60). Also, the Committee on Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 19 and 21). The Committee on Rules shall consist of seven (7) members.

(3) **Judiciary**, to which committee shall be referred all bills and other matters concerning: the judiciary, judicial proceedings, reapportionment and redistricting of the legislature, law enforcement, and penal and correctional institutions and programs. The Committee on the Judiciary shall consist of fifteen (15) members.

(4) **Governmental Affairs**, to which committee shall be referred all bills, resolutions, and other matters concerning: proposed amendments to the Constitution of Alabama and elections, the organization and operation of the state government, including matters relating to the organization, reorgani-

zation, establishment, or abolition of any department, board, commission, or other agency of the state government, and matters pertaining to the merit system, or otherwise related to employment in the state civil service; and the organization and government of any incorporated municipality in the State of Alabama and all bills and other matters relating to counties in Alabama. The Committee on Governmental Affairs shall consist of thirteen (13) members.

(5) Agriculture, Conservation and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the State relating to forestry, fish and game, soil conservation, and public waters and lands. The committee shall also consider bills and other matters relating to state parks, historical sites, and outdoor recreational facilities. The Committee on Agriculture, Conservation and Forestry shall consist of fifteen (15) members.

(6) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including unemployment compensation, workmen's compensation, and industrial labor relations. The Committee on Business and Labor Relations shall consist of nine (9) members.

(7) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. The Committee on Education shall consist of nine (9) members.

(8) Health and Welfare, to which committee shall be referred all bills and other matters concerning the health or welfare of the people of Alabama. The Committee on Health and Welfare shall consider bills and other matters relating to hospitals and other health facilities, the mental health program, and mental institutions. In addition, the committee shall consider bills and other matters relating to social security and public assistance and welfare programs. The Committee on Health and Welfare shall consist of nine (9) members.

(9) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. The Committee on Banking and Insurance shall consist of fifteen (15) members.

(10) Commerce, Transportation, and Utilities, to which committee shall be referred all bills and other matters concerning: commerce and the economic system of the State, industrial and economic development, natural and mineral resources, motor vehicles, traffic regulations, highways, railways, airports and air transportation facilities, pipelines, and all matters relating to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the State; and all bills and other matters relating to ports, harbors, docks, waterways, and maritime matters. The Committee on Commerce, Transportation, and Utilities shall consist of nine (9) members.

(11) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 500,000. Local legislation under this rule shall consist of any bills that applies to any political subdivision or subdivisions of the

state less than the whole. The Committee on Local Legislation No. 1 shall consist of eleven (11) members.

(12) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of eight (8) members.

RULE 51. No committee, with the exception of the Committee on Rules, shall meet on the Senate floor while the Senate is in session. No committee shall meet off the Senate floor while the Senate is in session unless the time and place shall be previously announced by the presiding officer.

RULE 52. Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred by the President or presiding officer to a standing committee having the subject matter thereof for consideration.

RULE 53. When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the Chair to study one specific question and cease to exist when the purpose for which it was selected has been resolved.

RULE 54. A bill or resolution carrying an appropriation may be referred to a committee other than the Committee on Finance and Taxation if the subject matter requires such referral in the judgment of the presiding officer. However, such bill or resolution must also be referred to and reported by the Committee on Finance and Taxation before being given a second reading.

RULE 55. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration. Resolutions of congratulation, commendation or sympathy may be reported by the Committee on Rules, in resolution from, en masse for adoption by the Senate; provided, however, any such resolution so reported, which requires action other than congratulating, commending or expressing sympathy, shall be void ab initio.

RULE 56. When a bill has been acted upon by a standing committee, the committee's chairman shall endorse on said bill:

"This bill was referred to the standing committee on _____ and was acted upon by such committee in session and is by order of the committee returned therefrom with _____. This _____ day of _____, 19 _____.
_____ Chairman"

RULE 57. The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate; however, this rule shall not apply to uncontested local bills and uncontested general bills of local application.

RULE 58. A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

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RULE 59. After the Senate adjourns following the 26th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the Senate.

RULE 60. After the Senate adjourns after the end of the 28th legislative day, no standing committee of the Senate, other than the Committee on Rules, shall act upon any bill that originated in the House of Representatives.

RULE 61. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

RULE 62. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon and the bill or resolution shall be delivered forthwith to the Secretary, who shall note the unfavorable report on the register or docket of bills. The Secretary shall keep and print a calendar of adversely reported bills and resolutions, adding bills and resolutions from day to day without reprinting. Any Senator may, after one day's written notice, on the day named in the notice, after the call of standing committees, move the second reading of such bill or resolution. By a majority vote of the entire Senate, the bill or resolution may be read by its title a second time and be placed on the regular calendar. Only thirty minutes to the side shall be allowed for the discussion of such motion, which time may be divided as the Senators favoring or opposing the same may agree, for their respective sides.

RULE 63. The Committee on Rules may report at any time.

RULE 64. Whenever the chairman of any committee shall refuse to call a meeting of such committee, then a majority of the members of the committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the chairman and vice-chairman are absent at any committee meeting, a majority of a committee may designate any member of the committee as acting chairman for that particular meeting only.

RULES RELATING TO THE SECRETARY AND THE JOURNAL

RULE 65. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

RULE 66. The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal.

RULE 67. The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

INTRODUCTION OF BILLS

"Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)"

RULE 68. When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

"Mr. _____, Chairman of the standing committee on _____, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a _____, which bills were severally read a second time and placed on the calendar, to-wit"

RULE 69. On the signing of bills or resolutions, the Secretary shall make the journal read:

SIGNING OF BILLS (OR RESOLUTIONS)

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message from the House, or Report from the Committee on Rules as the case may be)."

RULE 70. Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

RULE 71. The Secretary shall provide the chairman of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the chairmen of standing committees as such space is made available to the Senate.

RULE 72. Upon adjournment of the Senate, the Secretary shall enter on the journal the hours of adjournment and the name of the member on whose motion adjournment was adopted.

RULE 73. If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.

RULE 74. The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading and such calendar shall be designated "Regular Order Calendar." The bills and resolutions listed therein shall be arranged in the order in which they are entitled to consideration.

The Secretary also shall furnish to the members daily a printed calendar designated as "Consent Calendar" which shall list all bills placed thereon by the Committee on Rules and those bills which are pending for placement on the said Consent Calendar.

In the event a Special Order Calendar is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the Regular Order Calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, a numerical index of all Senate and House bills contained in that day's calendar (with the number of the pages on which the bill appears in the calendar printed

opposite the bill's assigned number) shall be printed on the last pages of that day's calendar, or on a separate pamphlet which can be slipped into the back of the calendar.

In the event a special order is adopted from bills appearing on the Consent Calendar, the Secretary also shall furnish to the members daily a calendar designated "Special Order Consent Calendar" [Rule 14(7)]. If such calendar is not a continuing order of business until disposed of, then such bills remaining on the Special Order Consent Calendar shall be returned to their original position on the Consent Calendar occupied by them before the adoption of said Special Order Consent Calendar.

RULE 75. The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief biography of each Senator, his address, home and business phone, and committee assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

RULE 76. The Secretary shall not employ any person as a page who is under the age of twelve (12) years.

RULE 77. Every bill or resolution making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by the Senate, have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in public spending or the increase or decrease in revenue collections under the provisions of the bill. The fiscal note shall be prepared by or under the supervision of the standing committee to whom the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee on Finance and Taxation. No bill or resolution shall be given its third reading if affected by this rule, unless it has affixed thereto a valid fiscal note.

RULE 78. (1) All general bills or resolutions creating or making or eliminating a program requiring the expenditure of funds by local unit of government, causing to be made an appropriation from any county or municipal treasury shall have endorsed and attached thereto a reliable estimate of the money involved therein and the anticipated increase or decrease in spending and the increase and decrease of the anticipated revenue and the general fiscal impact on counties and municipalities of the provisions of the bill.

(2) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph one above and must be referred to the Committee on Finance and Taxation unless consent to suspend this rule is obtained, as provided in Rule 36. No such resolution may be adopted except by recorded vote.

(3) All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the chief legislative fiscal officer as being substantially accurate to the best of his knowledge, information and belief.

(4) All resolutions described in sub-paragraph (2) above, when reported out of the Committee on Finance and Taxation shall be placed upon the Regular Senate Calendar in the order in which bills are placed on the calendar and shall be considered only when reached on the regular or any special order calendar on which they may be placed unless this rule is suspended, as provided in Rule 36.

RULE 79. The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous Subjects." The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanatory material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

Mr. Callahan offered the following amendment to the Resolution, S. R. 5, to-wit:

AMENDMENT TO S. R. 5

Amend S. R. 5 as follows:

In **RULE 36**, page 9, on line 9, after the word "amended." delete the words "Before any vote shall be taken on such motion," and delete line 10 in its entirety, and on line 11 delete the words "said committee must report thereon."

On line 12 strike the word "three" and insert in lieu thereof the word: one

On line 9, after the word "amended." add the following:

All proposed rule changes shall be included in the sixth order of business (See Rule 7) the next legislative day after Notice in Writing is given.

On line 17, after the word "vote" add a period.

Delete line 18 in its entirety.

In **RULE 50**, subparagraph (2), on page 13, delete line 25 in its entirety and on line 26 delete the words "part thereof (Rule 36)"

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 27; Nays 8.

Yeas:

Messrs.	Gulledge	Little	Proctor
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Clemon	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures	Lemaster	Pearson	White

—27

Nays:

Messrs.	Cook	Goodwin	Robertson
Barron	Glass	Kirkland	Taylor
Callahan			

—8

Mr. Callahan then offered the following amendment to the Resolution, S. R. 5, to-wit:

AMENDMENT TO S. R. 5

Amend S. R. 5 as follows:

In RULE 14, subparagraph (3), on page 4, line 32, strike the words, "at the end of" and insert the words:

in its original position on

And after the words "Regular Order Calendar" strike the period and add the words:

occupied by it before being considered for the Consent Calendar

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 32; Nays 3.

Yeas:

Messrs.	Glass	Lemaster	Proctor
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Clemon	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Pearson	White
Figures			—32

Nays: Messrs. Callahan, Goodwin, Robertson. —3

Mr. Callahan then offered the following amendment to the Resolution, S. R. 5, to-wit:

AMENDMENT TO S. R. 5

Amend S. R. 5 as follows:

In Rule 14, page 4, on line 25, after the number "(3)," add the following:

If five or more objections are made from the floor at the time the motion is made for placement on the Consent Calendar, or

On line 25, after the number "(3)" strike the word "If" and insert in lieu thereof: if

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Callahan then offered the following amendment to the Resolution, S. R. 5, to-wit:

AMENDMENT TO S. R. 5

Amend S. R. 5 as follows:

In RULE 36, on page 9, line 12, after the word "unless," strike the word "three" and insert in lieu thereof the word: one

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 28; Nays 7.

Yeas:

Messrs.	Glass	Lemaster	Pearson
Bailey	Gulledge	Little	Proctor
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Clemon	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures			

—28

Nays:

Messrs.	Cook	Kirkland	Taylor
Callahan	Goodwin	Robertson	White

—7

On motion of Mr. Callahan, the Resolution, S. R. 5, was adopted by the Senate, and the Rules as set out in said Resolution were adopted as the Rules of the Senate for the ensuing quadrennium.

Yeas 35; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Kenner	Pearson	White

—35

Nays:

—0

Mr. McDonald then offered the following Senate Resolution, to-wit:

S. R. 6. REPEALING S. R. 42 OF THE 1975 REGULAR SESSION, WHICH RULE RESTRICTED THE TRANSACTION OF SENATE BUSINESS.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That S. R. 42, 1975 Regular Session (Senate Journal, Regular Session, Vol. I, p. 524) and any and all other Senate Resolutions that require a five o'clock p.m. adjournment of the Senate is hereby repealed.

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

RECESS

At 2:30 P.M., on motion of Mr. McDonald, the Senate took a recess until 3 o'clock this afternoon.

The recess period having expired, the Senate was called to order by President Pro Tempore St. John. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

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S. J. R. 3. JOINT SESSION TO HEAR MESSAGE OF HIS EXCEL-
LENCY THE GOVERNOR.

And the Speaker has appointed as a committee on the part of the House
Kennedy, Ward and Greer.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint
Resolution and returns same herewith to the Senate:

S. J. R. 1. CREATING A LEGISLATIVE PARKING COMMITTEE.

And the Speaker has appointed as committee on part of the House
Messrs. Gafford, Reed and Goodwin.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint
Resolution and returns same herewith to the Senate:

S. J. R. 2. RELATIVE TO ADJOURNMENT OF THE TWO
HOUSES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolu-
tion and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 8. BE IT RESOLVED by the House of Representatives, the
Senate concurring, that when the two Houses adjourn today, they adjourn to
meet again on Wednesday, January 10, 1979, at 11:00 A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives
and Senate meet in joint convention in the Hall of the House of Representa-
tives at 11:15 A.M. January 10, 1979, for the purpose of witnessing the
opening and publishing of the returns of the election of executive officers of
the State of Alabama at the general election held on November 7, 1978, as
required by Section 115 of the Constitution of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolu-
tion, H. J. R. 8, set out in the foregoing Message from the House, was concur-
red in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 7. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of five, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

And the Speaker has appointed as a committee on the part of the House, Messrs. Smith, (C), Harrison and Minus.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore appointed as members on part of the Senate Messrs. Figures and Lemaster.

ADJOURNMENT

At 3:15 P.M., on motion of Mr. McDonald, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, January 10, 1979, at 11 o'clock A.M.

SECOND DAY

WEDNESDAY, JANUARY 10, 1979

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles W. Adams, Assistant Rector, Church of Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. McDonald, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

STATEMENT BY PRESIDENT PRO TEMPORE

APPOINTMENT OF STANDING COMMITTEE

The President Pro Tempore of the Senate, at the request of Lieutenant Governor-elect McMillan, announced the appointment of the Honorable Albert McDonald as Chairman of the Standing Committee on Rules for the quadrennium, 1979-1983.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Day was approved by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 1. CREATING A LEGISLATIVE PARKING COMMITTEE.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 7. MOURNING THE DEATH OF MR. WALTER LOCKLIN AGEE.

WHEREAS, the Alabama Senate has grievously noted the death of Mr. Walter Locklin Agee on November 23, 1978, at the age of 65; and

WHEREAS, Walter Locklin Agee was a native of Perdue Hill and lifelong resident of Monroe County, Alabama, who devoted all his adult years to the service of his city and county, working diligently for the betterment of his community and to improve the well-being of all his fellow citizens; and

WHEREAS, at the time of his death, Mr. Agee was serving his seventh consecutive four-year term as County Commissioner having first been elected to that office in 1952; he was a former Monroeville city councilman, a former member of the Lions Club and had served also as chairman of the Conecuh-Monroe Counties Gas District Board of Directors; and

WHEREAS, Walter Locklin Agee was also a Mason and a Shriner and was an active, contributing member of the Monroeville First Baptist Church; now therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, That we are indeed saddened by the death of Walter Locklin Agee, a distinguished community leader who is genuinely and deeply missed by all those whose lives he touched.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to his wife, Mrs. Lois White Agee, and to their daughter, Helen, that they may know we truly share the sorrow of their great loss.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Kirkland, Weeks, Goodwin, Smith, Bailey, Keener, Proctor, Figures, Pearson, Mitchem, St. John, White, deGraffenried, Teague,

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Holmes, Cook, Callahan, Denton, Glass, Taylor, Harrison, Parsons, Lemaster, Gullledge, Miller and Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. COMMENDING THE REPORT OF THE ALABAMA FORESTRY STUDY COMMITTEE TO THE GOVERNOR OF ALABAMA AND URGING PRIORITY ACTION ON ITS FIRE CONTROL FUNDING RECOMMENDATIONS.

We have received the preliminary report of the Forestry Study Committee which was established by Act 515 of the 1978 Regular Session of the Alabama Legislature. The full report is to be transmitted from Study Committee Chairman, Representative John McMillan, by January 15, 1979.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA IN ORGANIZATIONAL SESSION, That the findings of the Forestry Study Committee are commended to Governor Fob James for evaluation and appropriate action. We urge specifically that utmost consideration be given to the number one priority item in the preliminary report dealing with adequate funding for the control of wildfires in this State; and that provisions for adequate fire protection be included in the forthcoming budget.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

JOINT SESSION

At 11:15 A.M., on motion of Mr. Goodwin, and in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 7, 1978, as required by Section 115 of the Constitution of Alabama.

The Session was called to order by the Honorable Finis St. John, President Pro Tempore, who directed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gullledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members of the House answered to their names:

Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore,

Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby.

The President Pro Tempore of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the Joint Session was to open the returns of count, ascertain and proclaim the results of the elections held on the 7th day of November, 1978, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on the 7th day of November, 1978, for Executive Officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer and Commissioner of Agriculture and Industries.

(See House Journal for Tabulation of Votes)

The Speaker of the House, the Honorable Joe McCorquodale, then declared that the Honorable Fob James, the Honorable George McMillan, the Honorable Charles Graddick, the Honorable Donald Siegelman, the Honorable Bettye Frink, the Honorable Annie Laurie Gunter and the Honorable McMillan Lane was duly and constitutionally elected to the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer and Commissioner of Agriculture and Industries, respectively, for the term prescribed by law.

The purposes of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by President Pro Tempore St. John. A quorum of the Senate was present.

RESOLUTIONS

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. NAMING THE BYPASS FROM U.S. HIGHWAY 80 EAST TO ALABAMA HIGHWAY 14 AT SELMA, ALABAMA, THE "CECIL JACKSON, JR., BYPASS."

WHEREAS, Cecil C. Jackson, Jr., was born September 23, 1933, was a native of Selma, Dallas County, Alabama, and was a lifelong resident of that city with the exception of the years 1963 to 1969; and

WHEREAS, Cecil Jackson was an outstanding high school athlete until, following his junior year, he was stricken with polio; he went on to attend the University of Alabama where he served as President of the Student Body and from which institution he was awarded a B.S. Degree in 1956 and his LL.B. Degree in 1958; he then returned to Selma to enter the practice of Law; and

WHEREAS, in 1963, he was appointed Legal Advisor to Governor George C. Wallace, serving in that capacity until 1964 at which time he was named Executive Secretary to the Governor; he also served in this capacity under Governor Lurleen Wallace until her death in 1968; and

WHEREAS, Cecil Jackson was executive director of Governor George Wallace's 1968 Presidential Campaign; he most notably coordinated the unprecedented feat of achieving ballot position by Governor Wallace in all

fifty states as an Independent or third party candidate, the first and only time to date this has ever been accomplished; and

WHEREAS, he returned to Selma in 1969 to resume the practice of Law and to remain in his beloved home town until his untimely death in the Fall of 1978; and

WHEREAS, Cecil Jackson was a man of deeds; accomplishments were many and outstanding for one so young, far exceeding those achieved by countless others granted both long life and sound bodies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commemoration and appreciation of a fruitful life, this body hereby names and designates the bypass from U.S. Highway 80 East to Alabama Highway 14, the "Cecil Jackson, Jr., Bypass."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bypass as the "Cecil Jackson, Jr., Bypass."

RESOLVED FURTHER, That copies of this resolution be provided for his wife, Mrs. Martha C. Jackson, for their children, Beth, Walton, and Celia, and for his parents, Mr. and Mrs. Cecil Jackson, Sr., as a token of this commemorative and heartfelt designation.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. NAMING THE BRIDGE ON THE SELMA, ALABAMA, BYPASS FROM U.S HIGHWAY 80 EAST TO ALABAMA HIGHWAY 14, THE "JOHN T. MORGAN BRIDGE."

WHEREAS, John T. Morgan, born June 20, 1824, though a native of Athens, Tennessee, resided and was educated in Alabama from the early age of nine; he studied Law, was admitted to the Bar in 1845, and began the practice of his profession in Selma, Alabama; and

WHEREAS, John T. Morgan, a delegate in 1861 from Dallas County to the Alabama State Convention which passed the ordinance of secession, joined the Confederate Army in May, 1861, as a private, to rise through the ranks to that of Brigadier-General; and

WHEREAS, elected to the United States Senate to succeed Senator George Goldthwaite, he took his seat on March 5, 1877, and was re-elected in 1882, in 1888 and in 1894; he then was nominated by caucus of the Democratic, Republican and Populist parties and in November, 1900, was chosen by unanimous vote of the General Assembly of Alabama for a fifth Senate term and was unanimously re-elected by the Legislature for the term ending March 7, 1913; Senator Morgan died in Washington City on June 11, 1907 and is interred in Live Oak Cemetery, Selma, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and honor of John T. Morgan, distinguished United States Senator from Selma, Alabama, this body hereby names the bridge on the Selma, Alabama Bypass from U.S. Highway 80 East to Alabama Highway 14, the "John T. Morgan Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said bridge as the "John T. Morgan Bridge."

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 10. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a Joint Session of the House and Senate be held at 6:30 P.M. on January 16, 1979, for the purpose of hearing a message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House be named by the Speaker of the House and a committee of two from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed as committee on part of the House Cabaniss, Reed and Edwards.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 10, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate Messrs. Mitchem and Higginbotham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Harrison:

H. J. R. 9. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid an additional twenty-five dollars per diem for expenses incurred in the performance of his duties for the duration of

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any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That each member of the Legislature shall be allowed an additional two hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Pearson moved that the Rules be suspended and the Resolution, H. J. R. 9, set out in the foregoing Message from the House, be concurred in and adopted by the Senate.

RECESS

At 12:40 P.M., on motion of Mr. Goodwin, the Senate took a recess until completion of the Joint Session to hear the message of His Excellency, Governor George Wallace.

JOINT SESSION

At 1 o'clock P.M., in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, George Wallace.

The Session was called to order by President Pro Tempore Finis St. John of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable George Wallace, Governor of Alabama, was escorted to the chair and delivered his address to the Legislature of Alabama.

(See House Journal for Governor's Message.)

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by President Pro Tempore St. John.

ROLL CALL

Present:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 5. Relative to the appointment of a Committee to wait upon the Governor and inform him of the organization of the Legislature and its readiness to transmit business.

Also:

H. J. R. 7. Relative to the acts and journals of the organizational session be bound with the regular session or any special sessions in 1979.

Also:

H. J. R. 8. Relative to adjournment of the two Houses to meet again Wednesday, January 10, 1979 at 11:00 A.M. and further to meet in joint convention in the Hall of the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the general election.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. J. R. 9

The Senate proceeded to further consideration of the Resolution, H. J. R. 9. The question was on the motion of Mr. Pearson that said Resolution be concurred in and adopted.

Mr. Robertson offered the following substitute for the Resolution, H. J. R. 9, to-wit:

SUBSTITUTE FOR H. J. R. 9

TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid for this year and beginning on January 1 for each of the next three years an additional expense allowance amounting to seven percent of his salary and expense allowances for the previous year for expenses incurred in the performance of his duties for any session of the legislature.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

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On motion of Mr. Teague, said substitute was laid on the table.

The question then recurred on the motion of Mr. Pearson, which was adopted, and said Resolution, H. J. R. 9, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 10. NAMING THE BRIDGE ON THE SELMA, ALABAMA, BYPASS FROM U.S. HIGHWAY 80 EAST TO ALABAMA HIGHWAY 14, THE "JOHN T. MORGAN BRIDGE."

Also:

S. J. R. 9. NAMING THE BYPASS FROM U.S. HIGHWAY 80 EAST TO ALABAMA HIGHWAY 14 AT SELMA, ALABAMA, THE "CECIL JACKSON, JR., BYPASS."

Also:

S. J. R. 8. COMMENDING THE REPORT OF THE ALABAMA FORESTRY STUDY COMMITTEE TO THE GOVERNOR OF ALABAMA AND URGING PRIORITY ACTION ON ITS FIRE CONTROL FUNDING RECOMMENDATIONS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 9. TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

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H. J. R. 10. Relative to a Joint Session for the purpose of hearing an address by His Excellency, Fob James, Governor of Alabama and appointing a committee from the two houses to escort the Governor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

ADJOURNMENT

At 3:12 P.M., on motion of Mr. McDonald, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 16, 1979, at 2 o'clock P.M.

EIGHTH DAY

TUESDAY, JANUARY 16, 1979

(The Senate was not in session on the Third through the Seventh Day.)

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Joe Black, Minister, Cahaba Valley Church of Christ, Birmingham, Alabama.

ROLL CALL

Present:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

APPOINTMENT OF STANDING COMMITTEES

The President and Presiding Officer of the Senate announced the following Standing Committees of the Senate for the quadrennium, 1979-1983, to-wit:

FINANCE AND TAXATION COMMITTEE

Pearson, Chairman; Little, Vice Chairman; Barron, Callahan, deGraffenried, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

RULES COMMITTEE

McDonald, Chairman; Harrison, Vice Chairman; Clemon, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY COMMITTEE

Clemon, Chairman; deGraffenried, Vice Chairman; Barron, Britnell, Cook, Figures, Harrison, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

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GOVERNMENTAL AFFAIRS COMMITTEE

Smith, Chairman; Martin, Vice Chairman; Bailey, Cook, Denton, Figures, Gullledge, Hall, Holmes, Lemaster, Parsons, Pearson, Proctor.

AGRICULTURE, CONSERVATION
AND FORESTRY COMMITTEE

Mitchem, Chairman; Kirkland, Vice Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gullledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS COMMITTEE

Keener, Chairman; Taylor, Vice Chairman; Callahan, Cook, Figures, Harrison, Little, Glass, Weeks.

EDUCATION COMMITTEE

Higginbotham, Chairman; Hall, Vice Chairman; Bailey, Britnell, Keener, Little, Goodwin, Taylor, White.

HEALTH AND WELFARE COMMITTEE

White, Chairman; Proctor, Vice Chairman; Britnell, deGraffenried, Denton, Miller, Harrison, Holmes, Smith.

BANKING AND INSURANCE COMMITTEE

Bailey, Chairman; Barron, Vice Chairman; Callahan, Cook, Glass, Goodwin, Gullledge, Higginbotham, Martin, Parsons, Taylor, Teague, Vacca, Weeks, Lemaster.

COMMERCE, TRANSPORTATION
AND UTILITIES COMMITTEE

Teague, Chairman; Callahan, Vice Chairman; Clemon, Goodwin, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice Chairman; Clemon, Cook, Parsons, Pearson, Proctor, White.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 8. COMMENDING THE REPORT OF THE ALABAMA FORESTRY STUDY COMMITTEE TO THE GOVERNOR OF ALABAMA AND URGING PRIORITY ACTION ON ITS FIRE CONTROL FUNDING RECOMMENDATIONS.

Also:

S. J. R. 9. NAMING THE BYPASS FROM U.S. HIGHWAY 80 EAST TO ALABAMA HIGHWAY 14 AT SELMA, ALABAMA, THE "CECIL JACKSON, JR., BYPASS."

Also:

S. J. R. 10. NAMING THE BRIDGE ON THE SELMA, ALABAMA, BYPASS FROM U.S. HIGHWAY 80 EAST TO ALABAMA HIGHWAY 14, THE "JOHN T. MORGAN BRIDGE."

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. VOICING THE APPRECIATION OF THE LEGISLATURE TO THE HONORABLE GEORGE D. H. McMILLAN, JR.

WHEREAS, the hospitality extended by Lieutenant Governor George McMillan to the members of the Alabama Legislature and to his supporters and many friends was accepted by more than 2,000 guests on the morning of January 15, Inauguration Day, 1979; and

WHEREAS, we are indeed grateful for the thoughtful generosity of Lieutenant Governor McMillan and his lovely wife, Ann Dial, and appreciative also of their choice of an Inaugural breakfast as a most appropriate way to begin such a happy occasion, in prayerful fellowship and in optimism of four great years for our State and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in acknowledgment of warm and gracious generosity, and in gratitude for such meaningful hospitality, we hereby express our deep appreciation to Lieutenant Governor and Mrs. George McMillan.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to our new Lieutenant Governor and his family as but a token of our appreciation and esteem.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Callahan, White, Bailey, Barron, Britnell, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and Lieutenant Governor McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. COMMENDING INAUGURAL COMMITTEE CHAIRMAN, DICK FORSTER OF MONTGOMERY.

WHEREAS, Mr. Richard A. Forster of Montgomery, who served as central Alabama campaign coordinator for Governor Fob James, was given the tremendous task of coordinating and directing the 1979 Inaugural festivities; and

WHEREAS, as committee chairman, Mr. Forster is to be most highly praised for his untiring efforts which resulted in three fun-filled days for the thousands upon thousands of Alabamians who converged on our Capitol City to enjoy and participate in the many activities surrounding this gala event; and

WHEREAS, from Open House on Sunday until "after the ball was over" on Monday night, they did indeed enjoy and celebrate this "new beginning" for our state and its people; and

WHEREAS, to truly appreciate the enormous difficulties associated with such an assignment, one has only to imagine the countless details which must be anticipated and planned for if an event of these proportions is to run smoothly for both participants and spectators alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Inaugural Committee Chairman, Dick Forster, and all members of his committee, for the unqualified success of Alabama's 1979 Inaugural festivities.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Forster, that he may know of our deep appreciation of his obvious ability as manifested by the phenomenal results of his labors.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

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By Mr. Holmes:

H. J. R. 12. COMMENDING DR. MOSES W. JONES, PROMINENT MONTGOMERY PHYSICIAN.

Also:

By Mr. Holmes:

H. J. R. 13. COMMENDING THE REVEREND WILLIE WILLIAMS.

Also:

By Mr. Smith (C):

H. J. R. 14. COMMENDING THE ALABAMA HIGHWAY DEPARTMENT, RECIPIENT OF THE NATIONAL KEEP AMERICA BEAUTIFUL AWARD.

Also:

By Messrs. Willis, Crow, Blake, Campbell, Dial, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt, and Zoghby.

H. J. R. 17. CONGRATULATING COACH JIM FULLER OF JACKSONVILLE STATE UNIVERSITY.

Also:

By Messrs. Dial, Shoemaker, Ford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 18. CONGRATULATING GADSDEN NATIVE DANNY FORD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 12, 13, 14, 17, and 18, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

ADJOURNMENT MOTION LOST

Mr. Robertson moved that when the Senate adjourns after completion of the Joint Session, it adjourn sine die.

On motion of Mr. Pearson, said motion was laid on the table.

Yeas 32; Nays 2.

Yeas:

Messrs.	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Clemon	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures	Kirkland	Pearson	White
Glass			

—32

Nays: Messrs. Barron, Robertson.

—2

RESOLUTIONS

Messrs. St. John, Pearson and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. AMENDING ACT NO. 1, H. J. R. 9 OF THE 1979 ORGANIZATIONAL SESSION, SETTING ADDITIONAL LEGISLATIVE PER DIEM AND EXPENSE ALLOWANCES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, H. J. R. 9, 1979 Organizational Session, is hereby amended to read as follows:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid an additional twenty-five fifteen dollars per diem for expenses incurred in the performance of his duties for the duration of any organizational, regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That each member of the legislature shall be allowed an additional two one hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution."

Which was read and referred to the Standing Committee on Rules.

Messrs. Hall, Taylor, Cook, Parsons and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. TO REPEAL ACT NO. 1, H. J. R. 9, ORGANIZATIONAL SESSION 1979, PROVIDING ADDITIONAL EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, H. J. R. 9, approved January 10, 1979, Organizational Session 1979, entitled, "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE," is expressly repealed.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 13. AMENDING ACT NO. 1, H. J. R. 9 OF THE 1979 ORGANIZATIONAL SESSION, SETTING ADDITIONAL LEGISLATIVE PER DIEM AND EXPENSE ALLOWANCES.

Mr. Robertson offered the following substitute for the Resolution, S. J. R. 13, to-wit:

SUBSTITUTE FOR S. J. R. 13

TO REPEAL ACT NO. 1, H. J. R. 9, ORGANIZATIONAL SESSION 1979, PROVIDING ADDITIONAL EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, H. J. R. 9, approved January 10, 1979, Organizational Session 1979, entitled, "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE," is expressly repealed.

On motion of Mr. St. John, said substitute was laid on the table.

Yeas 22; Nays 12.

Yeas:

Messrs.	Figures	Martin	Smith	
Bailey	Goodwin	McDonald	Teague	
Britnell	Harrison	Miller	Vacca	
Callahan	Higginbotham	Mitchem	Weeks	
Clemon	Kirkland	Pearson	White	
Denton	Little	St. John		—22

Nays:

Messrs.	Glass	Holmes	Proctor	
Barron	Gulledge	Keener	Robertson	
Cook	Hall	Parsons	Taylor	
deGraffenried				—12

Mr. Barron offered the following amendment to the Resolution, S. J. R. 13, to-wit:

AMENDMENT TO S. J. R. 13

Amend S. J. R. 13 by inserting after the word "legislature" on line 20 and after the word "legislature" on line 28 the following:

"elected in the general election in 1982"

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 25; Nays 9.

Yeas:

Messrs.	Glass	Martin	St. John	
Bailey	Goodwin	McDonald	Smith	
Britnell	Gulledge	Miller	Teague	
Callahan	Harrison	Mitchem	Vacca	
Clemon	Higginbotham	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays:

Messrs.	deGraffenried	Keener	Robertson	
Barron	Hall	Parsons	Taylor	
Cook	Holmes			—9

Mr. Barron then offered the following amendment to the Resolution, S. J. R. 13, to-wit:

AMENDMENT TO S. J. R. 13

Amend S. J. R. 13 by inserting after the word "legislature" on line 20 and after the word "legislature" on line 28 the following:

"residing more than 50 miles from the State Capitol"

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 30; Nays 4.

Yeas:

Messrs.	Figures	Little	St. John	
Bailey	Glass	Martin	Smith	
Britnell	Goodwin	McDonald	Taylor	
Callahan	Gulledge	Miller	Teague	
Clemon	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Pearson	White	
Denton	Kirkland	Proctor		—30

Nays: Messrs. Barron, Hall, Harrison, Robertson.

—4

Mr. Barron then offered the following amendment to the Resolution, S. J. R. 13, to-wit:

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AMENDMENT TO S. J. R. 13

Amend S. J. R. 13 by inserting after the word "legislature" on line 20 and after the legislature on line 28 the following:

"except the Senator representing Senatorial District 27"

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 29; Nays 3.

Yeas:

Messrs.	Goodwin	Martin	St. John
Britnell	Gulledge	McDonald	Smith
Callahan	Hall	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Glass	Little		

—29

Nays: Messrs. Barron, Harrison, Robertson. —3

Mr. Robertson offered the following amendment to the Resolution, S. J. R. 13, to-wit:

AMENDMENT TO S. J. R. 13

Amend S. J. R. 13 Page 1 Line 28, by striking out one and inserting zero after the word additional

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 23; Nays 9.

Yeas:

Messrs.	Figures	Martin	St. John
Bailey	Goodwin	McDonald	Smith
Britnell	Gulledge	Miller	Teague
Callahan	Higginbotham	Mitchem	Vacca
Clemon	Kirkland	Pearson	Weeks
Denton	Little	Proctor	White

—23

Nays:

Messrs.	deGraffenried	Keener	Robertson
Barron	Hall	Parsons	Taylor
Cook	Holmes		

—9

And on motion of Mr. St. John, said Resolution, S. J. R. 13, was then adopted by the Senate.

Yeas 31; Nays 2.

Yeas:

Messrs.	Callahan	deGraffenried	Goodwin
Bailey	Clemon	Denton	Gulledge
Britnell	Cook	Figures	Hall

Harrison	Little	Parsons	Taylor
Higginbotham	Martin	Pearson	Teague
Holmes	McDonald	Proctor	Vacca
Keener	Miller	St. John	Weeks
Kirkland	Mitchem	Smith	White

—31

Nays: Messrs. Barron, Robertson.

—2

POINT OF PERSONAL PRIVILEGE

Mr. Hall requested that the Journal show that his affirmative vote on the Resolution, S. J. R. 13, was in support of the decreased pay raise, and that he is in reality opposed to any pay raise.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Johnson (Roy), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 19. CONGRATULATING THE ALABAMA CRIMSON TIDE ON THEIR SUGAR BOWL VICTORY AND THEIR 1978 COLLEGE FOOTBALL NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 19, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 18. CONGRATULATING GADSDEN NATIVE DANNY FORD.

On motion of Mr. Keener, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 17. CONGRATULATING COACH JIM FULLER OF JACKSONVILLE STATE UNIVERSITY.

H. J. R. 14. COMMENDING THE ALABAMA HIGHWAY DEPARTMENT, RECIPIENT OF THE NATIONAL KEEP AMERICA BEAUTIFUL AWARD.

On motion of Mr. Teague, said Resolutions was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 13. COMMENDING THE REVEREND WILLIE WILLIAMS.

H. J. R. 12. COMMENDING DR. MOSES W. JONES, PROMINENT MONTGOMERY PHYSICIAN.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

RECESS

At 4:20 P.M., on motion of Mr. Teague, the Senate took a recess until 5:45 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 11. VOICING THE APPRECIATION OF THE LEGISLATURE TO THE HONORABLE GEORGE D. H. McMILLAN, JR.

Also:

S. J. R. 12. COMMENDING INAUGURAL COMMITTEE CHAIRMAN, DICK FORSTER OF MONTGOMERY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 4. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hall, the Senate non-concurred in the following House amendment to the Resolution, S. J. R. 4, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. J. R. 4

S. J. R. 4. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1979.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature:

JOINT RULES OF THE TWO HOUSES OF
THE LEGISLATURE OF ALABAMA
1979

1. Messages from one house to the other shall take precedence over all other questions.
2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.
3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.
4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.
5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example: stricken through) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8-1/2" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any

place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO LOBBYING

15. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either house of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

Any person, or the head of any firm, corporation or association employing a registered lobbyist must certify under oath to the Clerk of the House and the Secretary of the Senate, respectively, the name and address of all persons that they have employed to represent them as lobbyists with the Alabama Legislature. No person shall become registered as a lobbyist to represent any person, firm, corporation or association unless he is so certified by the person, firm, corporation or association as one of their lobbyists.

Whenever any person, firm, corporation or association discharges a lobbyist, or he leaves their employment for any reason, such person, or the head of any firm, corporation or association shall immediately so certify said fact to the Clerk of the House and the Secretary of the Senate, respectively.

16. Method of Registration. At each regular or special session of the Legislature prior to engaging in the activities described in Rule 15 above, every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state under oath his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

The Secretary and the Clerk, respectively, shall publish in the journal of each regular session, in tabulation form, a list of those filing the registration statements under this rule together with the information contained therein.

No registered lobbyist shall be permitted upon the floor of either house while it is in session.

17. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

18. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he

openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

19. Rules Committee Advisory Opinions. A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

The Joint Committee on Rules shall render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case would constitute a violation of these rules. All opinions shall delete names and be numbered, dated, and published in the journals of the respective houses.

20. Compilation of Opinions; Lists of Lobbyists. The Secretary of the Senate and the Clerk of the House, respectively, shall keep a compilation of all advisory opinions of the Joint Committee on Rules as well as a current list of registered lobbyists which shall be open to public inspection.

21. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective house upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

and requested a Committee on Conference.

Yeas 34; Nays 0.

Yeas:

Messrs.	Clemon	Glass	Higginbotham
Bailey	Cook	Goodwin	Holmes
Barron	deGraffenried	Gulledge	Keener
Britnell	Denton	Hall	Kirkland
Callahan	Figures	Harrison	Lemaster

Little	Mitchem	Robertson	Teague	
Martin	Parsons	St. John	Vacca	
McDonald	Pearson	Smith	White	
Miller	Proctor	Taylor		—34

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Robertson, McDonald and Pearson.

RECESS

At 6:15 P.M., on motion of Mr. St. John, the Senate took a recess until completion of the Joint Session to hear the message of His Excellency, Governor Fob James.

JOINT SESSION

At 6:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Fob James.

The Session was called to order by Lieutenant Governor George McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James, Governor of Alabama, was escorted to the chair and delivered his address to the Legislature of Alabama.

(See House Journal for Governor's Message.)

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

RESOLUTION RECONSIDERED

On motion of Mr. Hall, the Senate reconsidered the vote by which they non-concurred in the House amendment to the Resolution:

S. J. R. 4. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1979.

On motion of Mr. McDonald, the Senate then concurred in the House amendment to the Resolution, S. J. R. 4.

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Yeas 31; Nays 0.

Yeas:

Messrs.	Figures	Keener	Proctor
Bailey	Glass	Kirkland	Robertson
Barron	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Clemon	Hall	Martin	Taylor
Cook	Harrison	Mitchem	Teague
deGraffenried	Higginbotham	Parsons	Vacca
Denton	Holmes	Pearson	White

—31

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 12. COMMENDING DR. MOSES W. JONES, PROMINENT MONTGOMERY PHYSICIAN.

Also:

H. J. R. 13. COMMENDING THE REVEREND WILLIE WIL-
LIAMS.

Also:

H. J. R. 14. COMMENDING THE ALABAMA HIGHWAY DE-
PARTMENT, RECIPIENT OF THE NATIONAL KEEP AMERICA BEAU-
TIFUL AWARD.

Also:

H. J. R. 17. CONGRATULATING COACH JIM FULLER OF
JACKSONVILLE STATE UNIVERSITY.

Also:

H. J. R. 18. CONGRATULATING GADSDEN NATIVE DANNY
FORD.

Also:

H. J. R. 19. CONGRATULATING THE ALABAMA CRIMSON
TIDE ON THEIR SUGAR BOWL VICTORY AND THEIR 1978 COLLEGE
FOOTBALL NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RECESS

At 7:35 P.M., on motion of Mr. St. John, the Senate took a recess until 10 o'clock tonight.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration.

S. J. R. 13. Relative to CREATING A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Callahan offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that the Senate non-concur in the House amendment to the Resolution, S. J. R. 13, and request a Committee on Conference; and I further move that the Senate conferees be instructed to reduce the per diem compensation of \$65 a day, and the monthly allowance of \$400 a month, until such time as the recommendations of the Study Commission are accepted or rejected by the Legislature.

Which was adopted, and the Senate non-concurred in the following House amendment to the Resolution, S. J. R. 13, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. J. R. 13

CREATING A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an independent Compensation Study Commission to be composed of seven non-government citizens of Alabama, three members being appointed by the Governor, two members by the Chief Justice of the Alabama Supreme Court and two members by the Alabama Attorney General.

Said committee shall elect from its membership a chairman. Said committee shall study the question of legislative expense allowance including all reasonable and necessary and proper expenses incurred in connection with food, lodging and travel, and other expenses such as district offices; and, after conducting said study and after having made comparisons with regard to

expense allocations of legislatures in the several states, make recommendations to the legislature by the fifth day of the 1979 Regular Session as to what is reasonable and proper in 1979.

The legislature will vote by recorded vote to accept or reject the recommendations of the committee which shall be submitted by resolution. If accepted, the recommendations will be the new allocation for expenses; if rejected, the then existing pay and expenses will continue as presently in force.

Members of the Compensation Study Commission shall receive the same pay and allowances as a member of the Legislature for each day they meet. Clerical assistance to carry out the provisions of this act shall be furnished said study commission by the Clerk of the House of Representatives.

Yeas 32; Nays 1.

Yeas:

Messrs.	Glass	Kirkland	Proctor
Bailey	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures			—32

Nay: Mr. Barron —1

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. St. John, Teague, and Pearson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Dixon, Holmes, Langford, McKee, Grouby and Wyatt:

H. J. R. 22. CONGRATULATING THE 1978 STATE 4A FOOTBALL CHAMPIONS, MONTGOMERY'S JEFFERSON DAVIS VOLUNTEERS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 22, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the House amendment to the Senate Joint Resolution:

S. J. R. 13. AMENDING ACT NO. 1, H. J. R. 9 OF THE 1979 ORGANIZATIONAL SESSION, SETTING ADDITIONAL LEGISLATIVE PER DIEM AND EXPENSE ALLOWANCES.

And the Speaker of the House has appointed as a Committee on the part of the House Manley, Harrison and Gafford.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 10:35 P.M., on motion of Mr. St. John, the Senate took a recess until 11 o'clock tonight.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT OF THE COMMITTEE OF CONFERENCE ON S. J. R. 13

We, the committee of conference appointed to reconcile the disagreement of the two houses concerning S. J. R. 13, have met in conference, considered the matter in conference, and have agreed to the attached report.

RICHARD MANLEY,
ROBERT GAFFORD,
A. L. TONY HARRISON,
Conferees on the Part of the House.
FINIS ST. JOHN,
JOHN TEAGUE,
J. RICHMOND PEARSON,
Conferees on the Part of the Senate.

CONFERENCE COMMITTEE REPORT ON S. J. R. 13

TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND TO CREATE A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, H. J. R. 9, approved January 10, 1979, Organizational Session 1979, entitled "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE," is expressly repealed.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid an additional fifteen dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

ORGANIZATIONAL SESSION
8th Day

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RESOLVED FURTHER, That each member of the Legislature shall be allowed an additional one hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

AND FURTHER RESOLVE, That there is hereby created an independent Compensation Study Commission to be composed of seven non-government citizens of Alabama, three members being appointed by the Governor, two members by the Chief Justice of the Alabama Supreme Court and two members by the Alabama Attorney General.

Said committee shall elect from its membership a chairman. Said committee shall study the question of legislative expense allowance including all reasonable and necessary and proper expenses incurred in connection with food, lodging and travel, expenses such as district offices, and any other reasonable expenses, and, after conducting said study and after having made comparisons with regard to expense allocations of legislatures in the several states, made recommendations to the legislature by the fifth day of the 1979 Regular Session as to what is reasonable and proper in 1979.

The legislature will vote by recorded vote to accept or reject the recommendations of the committee which shall be submitted by resolution. If accepted, the recommendations will be the new allocation for expenses; if rejected, the then existing pay and expenses will continue as presently in force.

Members of the Compensation Study Commission shall receive the same pay and allowances as a member of the Legislature for each day they meet. Clerical assistance to carry out the provisions of this act shall be furnished said study commission by the Clerk of the House of Representatives and the Secretary of the Senate.

RESOLVED FURTHER, That this order will take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

CONFERENCE REPORT

On motion of Mr. St. John, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Resolution:

S. J. R. 13. AMENDING ACT NO. 1, H. J. R. 9 OF THE 1979 ORGANIZATIONAL SESSION, SETTING ADDITIONAL LEGISLATIVE PER DIEM AND EXPENSE ALLOWANCES.

Yeas 30; Nays 2.

Yeas:

Messrs.	Glass	Kirkland	St. John
Britnell	Goodwin	Little	Smith
Callahan	Gulledge	Martin	Taylor
Clemon	Hall	Miller	Teague
Cook	Harrison	Mitchem	Vacca
deGraffenried	Higginbotham	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Keener	Proctor	

—30

Nays: Messrs. Barron, Robertson.

—2

POINT OF PERSONAL PRIVILEGE

Senator Bailey requested that the Journal show that had he been present when the vote was taken on the adoption of the Conference Committee Report on the Resolution, S. J. R. 13, he would have voted "Aye".

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 22. CONGRATULATING THE 1978 STATE 4A FOOTBALL CHAMPIONS, MONTGOMERY'S JEFFERSON DAVIS VOLUNTEERS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1979.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the Resolution:

ORGANIZATIONAL SESSION
8th Day

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S. J. R. 13. Relative to TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND TO CREATE A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979.

And herewith returns same to the Senate.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 11. VOICING THE APPRECIATION OF THE LEGISLATURE TO THE HONORABLE GEORGE D. H. McMILLAN, JR.

Also:

S. J. R. 12. COMMENDING INAUGURAL COMMITTEE CHAIRMAN, DICK FORSTER OF MONTGOMERY.

Also:

S. J. R. 13. TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND TO CREATE A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 1

Delivered to the Governor, January 10, 1979, at 2:45 P.M.

S. J. R. 8

S. J. R. 9

S. J. R. 10

Delivered to the Governor, January 16, 1979, at 4:45 P.M.

S. J. R. 4

Delivered to the Governor, January 16, 1979, at 11:30 P.M.

S. J. R. 11

S. J. R. 12

S. J. R. 13

Delivered to the Governor, January 16, 1979, at 11:55 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Second and Eighth Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Second and Eighth Days were approved by the Senate.

ADJOURNMENT

At 11:55 P.M., on motion of Mr. Robertson, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE
Secretary of Senate

**IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE**

ORGANIZATIONAL SESSION, 1979

LOBBYIST REGISTRATION

(In accordance with the provisions of Joint Rules of the two houses of the Alabama Legislature, Rules 15-23)

Argo, J. Knox, American Insurance Company; Tobacco Institute; Motion Picture Company of America; Blue Cross-Blue Shield

Bagley, R. B., Joint Leg. Com., A.A.R.P. & N.R.T.A.

Bailey, George F., Alabama Railroad Association

Brindley, Joe, University of Montevallo

Britton, James Judson, Alabama Chamber of Commerce

Brown, David C., University of North Alabama

Burrell, Richard J., Household Finance Corporation

Camp, Billy Joe, Self; Asbestos Workers Union; Hogan, Smith, Alspaugh; Alabama Trial Lawyers Association

Carpenter, Joseph T., Alabama State Bar Association

Dakin, Milo, Alabama Consumer Finance Association

Dawkins II, Joe M., Office of Consumer Protection

de Lissovoy, Greg, National Council on Alcoholism

Farish, Edward S., Department of Conservation & Natural Resources

Gattis, Jr., James Edward, Alabama Education Association

Gray, James A., Alabama Road Builders Association, Inc.

Greene, John "Scotty", City of Birmingham

Hale, Morris Gresham, Mental Health

Hamilton, D. N., Alabama League of Municipalities; American Rec. Insurance Association; Jim Walter Corporation; Clerks & Registrars Assoc.; Graham Energy Assoc.

Holsenbeck, Dan, Auburn University in Montgomery

Horne, John, Alabama Rural Electric

Hubbert, Paul, Alabama Education Association

Jetton, Bruce, Alabama Trial Lawyers Association

Johnston, J. Reese, Jr., Jefferson County

Kennedy, Deborah P., Alabama Education Association
King, William Carl, Alabama Institute for the Deaf and Blind
Knipe, William A., Self
Lawley, William R., Alabama Asphalt Paving Association
Lowden, James E., Alabama Christian Education Association
McDonald, Charles, Alabama Retail Association
McMillan, Harry, Alabama Bancorporation
Parker, William G., Alabama Education Association
Parsons, Milton K., Alabama Farm Bureau Federation
Pouncy, W. T., Brotherhood of Maintenance of Way Employees
Powell, Jerry A., Jr., Alabama Hospital Association
Prier, Claude S., Fraternal Order of Police
Rane, A. J. "Tony", Alabama Travel Council; Alabama Hotel and Motel Association
Sharpless, Oscar, Association of County Commissions of Alabama
Shumaker, Stephen R., Alabama Education Association
Smith, John M., Municipal Electric Utility Association
Smith, Walter Clifford, II, Alabama Chamber of Commerce
Vaughan, Howard, Liberty National Life Insurance Co.
Wasson, Don F., Alabama Mining Institute
Watkins, John F., Alabama League of Municipalities
Watts, Laura, AARP/NRTA Joint State Legislative Committee
Williams, Jimmy J., Montgomery Firefighters'
Worthy, Mildred J., Alabama Education Association

ROSTER OF THE SENATE OF ALABAMA

1979

- George D. H. McMillan, Jr., *Lieutenant Governor* State Capitol, Montgomery
 Finis St. John, *President Pro-Tem* Cullman
- McDOWELL LEE, *Secretary* Montgomery
- Mrs. William R. Lawley, Jr., *Chief Clerk* Montgomery
- First Senatorial District
 Bobby Denton 413 Highway 43 South,
 Tuscumbia 35874
- Second Senatorial District
 Charlie Britnell Northwest Alabama State
 Junior College, Phil Campbell 35851
- Third Senatorial District
 Charles B. Martin P. O. Box 2204, Decatur 35602
- Fourth Senatorial District
 Finis St. John P. O. Drawer K, Cullman 35055
- Fifth Senatorial District
 Robert (Bob) Hall 2601 Carson Road, Birmingham 35215
- Sixth Senatorial District
 Albert McDonald Route 1, Madison 35758
- Seventh Senatorial District
 Bill Smith Suite 410, Central Bank Building,
 Huntsville 35801
- Eighth Senatorial District
 James Lemaster Route 2, Box 228, Scottsboro 35768
- Ninth Senatorial District
 Hinton Mitchem P. O. Box 297, Albertville 35950
- Tenth Senatorial District
 Larry H. Keener 816 Chestnut St., Gadsden 35901
- Eleventh Senatorial District
 Dewey White P. O. Box 7685A, Birmingham 35223
- Twelfth Senatorial District
 Paschal P. "Pat" Vacca 929-30 Frank Nelson Bldg.,
 Birmingham 35203
- Thirteenth Senatorial District
 J. Richmond Pearson Citizens Federal Building,
 P. O. Box 11135, Birmingham 35202
- Fourteenth Senatorial District
 Mac Parsons 621 City Federal Building,
 Birmingham 35203
- Fifteenth Senatorial District
 U. W. Clemon Suite 1600, 2121 Building,
 Birmingham 35214
- Sixteenth Senatorial District
 Ryan deGraffenried, Jr. P. O. Box 2427, Tuscaloosa 35401

Seventeenth Senatorial District

Doug Cook P. O. Box 6223-A, Tarrant 35217

Eighteenth Senatorial District

Lister Hill Proctor 121 North Norton Ave., Sylacauga 35150

Nineteenth Senatorial District

John A. Teague P. O. Box 427, Childersburg 35044

Twentieth Senatorial District

Donald G. Holmes 1915 Robinhood Dr., Oxford 36203

Twenty-first Senatorial District

T. D. "Ted" Little P. O. Box 342, Auburn 36830

Twenty-second Senatorial District

G. J. "Dutch" Higginbotham 2602 Savage Drive,
Phenix City 36867

Twenty-third Senatorial District

Mike Weeks 510 Park Street, Troy 36081

Twenty-fourth Senatorial District

Chip Bailey P. O. Box 6791, Dothan 36302

Twenty-fifth Senatorial District

Wallace Miller 100½ No. Main, Enterprise 36330

Twenty-sixth Senatorial District

Don Harrison 516 S. Perry St., Montgomery 36104

Twenty-seventh Senatorial District

Bishop N. Barron P. O. Box 221, Montgomery 36104

Twenty-eighth Senatorial District

Cordy Taylor P. O. Box 596, 839 S. Memorial Drive,
Prattville 36067

Twenty-ninth Senatorial District

Earl Goodwin P. O. Box 886, Selma 36701

Thirtieth Senatorial District

Edward D. "Big Ed" Robertson P. O. Box 331,
Northport 35476

Thirty-first Senatorial District

Reo Kirkland, Jr. P. O. Box 646, 102 St. Joseph,
Brewton 36426

Thirty-second Senatorial District

Robert I. "Bob" Gullledge P. O. Box 429,
Robertsdale 36567

Thirty-third Senatorial District

Michael A. Figures 1407 Davis Avenue, Mobile 36603

Thirty-fourth Senatorial District

H. L. "Sonny" Callahan P. O. Box 1208, Mobile 36601

Thirty-fifth Senatorial District

Bob Glass State Legislative Office, 602 Belair Blvd.,
Suite 17, Mobile 36606

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1979**

FINANCE AND TAXATION

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, deGraffenried, Denton, Glass, Gullette, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

RULES

McDonald, Chairman; Harrison, Vice-Chairman; Clemon, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY

Clemon, Chairman; deGraffenried, Vice-Chairman; Barron, Britnell, Cook, Figures, Harrison, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

GOVERNMENTAL AFFAIRS

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gullette, Hall, Holmes, Lemaster, Parsons, Pearson, Proctor.

AGRICULTURE, CONSERVATION AND FORESTRY

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gullette, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Cook, Figures, Glass, Harrison, Little, Weeks.

EDUCATION

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Keener, Little, Taylor, White.

HEALTH AND WELFARE

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

BANKING AND INSURANCE

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gullette, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague, Chairman; Callahan, Vice-Chairman; Clemon, Goodwin, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Clemon, Cook, Parsons, Pearson, Proctor, White.

STANDING COMMITTEE ASSIGNMENTS**FOR 1979****ALABAMA STATE SENATE****24th District**

CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

27th District

BISHOP N. BARRON—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

2nd District

CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

34th District

H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

15th District

U. W. CLEMON—Chairman, Judiciary; Rules; Commerce, Transportation and Utilities; Local Legislation No. 2.

17th District

DOUG COOK—Judiciary; Governmental Affairs; Business and Labor Relations; Banking and Insurance; Local Legislation No. 2.

16th District

RYAN deGRAFFENRIED, JR.—Vice-Chairman, Judiciary; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

1st District

BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

33rd District

MICHAEL A. FIGURES—Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

35th District

BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

29th District

EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

32nd District

ROBERT I "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

5th District

ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Education.

31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Governmental Affairs; Local Legislation No. 2.

18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Judiciary; Banking and Insurance.

12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

11th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

HOUSE OF REPRESENTATIVES

ORGANIZATIONAL SESSION 1979

ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66
 H. H. "Bill" Adams, 30
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ROSTER
HOUSE OF REPRESENTATIVES
OF ALABAMA, 1979
ORGANIZATIONAL SESSION

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY
Speaker Pro-Tem, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

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2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
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7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
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- 15 JEFFERSON
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- 20 MADISON
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- 21 MADISON
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- 23 JACKSON
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Scottsboro 35768
- 24 JACKSON, DeKALB
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- 38 JEFFERSON
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- 55 TALLADEGA
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- 68 PIKE, COFFEE, BULLOCK, BARBOUR
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- 69 DALE, BARBOUR, HENRY
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- 71 HOUSTON
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- 74 COVINGTON, COFFEE
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- 75 COVINGTON
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- 87 **MARENGO, SUMTER, HALE, GREENE**
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- 88 **GREENE, PICKENS, TUSCALOOSA, HALE**
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- 89 **TUSCALOOSA, PICKENS**
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- 90 **SUMTER, CHOCTAW**
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- 92 **CLARKE, MONROE**
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- 93 **MONROE, CONECUH, ESCAMBIA**
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- 94 **BALDWIN**
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- 95 **BALDWIN, MOBILE**
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- 96 **WASHINGTON, MOBILE**
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V. M. Parker 504 Woodlore Dr., Chickasaw 36611
- 98 MOBILE
Cain J. Kennedy 111 Lovejoy Loop, Prichard 36610
- 99 MOBILE
James E. Buskey 2207 Barretts Lane, Mobile 36617
- 100 MOBILE
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- 101 MOBILE
Ann Bedsole 25 Edgefield Rd., Mobile 36608
- 102 MOBILE
Mary S. Zoghby 2862 Hilburn Dr., Mobile 36606
- 103 MOBILE
Gary Cooper P. O. Box 25, Mobile 36601
- 104 MOBILE
George Stewart 4413 S. Shan Dr., Mobile 36609
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA

FIRST
EXTRAORDINARY
SESSION OF 1979

HELD IN THE CITY OF MONTGOMERY
COMMENCING THURSDAY, JANUARY 18, 1979



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

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1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
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JOURNAL OF THE SENATE
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY SESSION
OF 1979

FIRST LEGISLATIVE DAY

THURSDAY, JANUARY 18, 1979

BE IT REMEMBERED, that on the 16th day of January, A. D. 1979, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama at 4:00 O'clock P.M., Thursday, January 18, 1979, and I do hereby designate the following subjects and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to postpone the convening of the Regular Session of the Legislature of Alabama from February 6, 1979, to April 17, 1979.
2. Resolutions to authorize the appointment and operation of a joint interim committee between the two houses of the legislature for the purpose of studying revision of the Constitution of Alabama of 1901.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and have caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 16th day of January, 1979.

FOB JAMES,
Governor.

ATTEST:

DON SIEGELMAN,
Secretary of State.

Pursuant to such proclamation, at the hour of 4 o'clock P.M. on Thursday, January 18, 1979, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable George McMillan, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Tim Floyd, Pastoral Intern, Heritage Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Figures	Lemaster	Robertson
Bailey	Glass	Little	St. John
Barron	Goodwin	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Hall	Mitchem	Teague
Clemon	Harrison	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

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LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Higginbotham and Martin for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Committee on Rules.

By Mr. St. John:

S. 2. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than that of executive assistants in the Governor's office.

Committee on Rules.

By Mr. St. John:

S. 3. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

Committee on Rules.

By Mr. St. John:

S. 4. To require the boards of registrars of the various counties to establish and maintain a permanent list of absentee voters who are physically incapacitated and who apply to be included on such list.

Committee on Rules.

By Messrs. Little, Smith, McDonald, Denton, Britnell, Lemaster, Proctor, Keener and Taylor:

S. 5. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

Committee on Rules.

By Mr. Proctor:

S. 6. To amend Section 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

Committee on Rules.

By Mr. Proctor:

S. 7. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Committee on Rules.

By Mr. Proctor:

S. 8. To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

Committee on Rules.

By Mr. Proctor:

S. 9. To amend Section 34-3-16, Code of Alabama 1975, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Messrs. Barron, Bailey, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, White and Lieutenant Governor McMillan filed the following Senate Resolution, to-wit:

S. R. 1. EXPRESSING THE SENATE'S APPRECIATION FOR THE INAUGURAL PARTY AT THE MAXWELL OFFICERS' CLUB.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Messrs: Daniels, Letson and Smith (M).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Barron and Cook.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMENDING THE ANDALUSIA HIGH SCHOOL BULLDOGS.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the remarkable record of the Andalusia High School football team, a 58-game winning streak in regular season play which broke the state record for all classifications; and

WHEREAS, the Bulldogs accomplished this amazing feat over a six-year period beginning in 1972, during which time they also won the State 3A Championship, back-to-back, in 1976 and 1977; and

WHEREAS, Andalusia High claimed those fifty-eight straight under Head Coach Don Sharpe and his able assistants, Coaches Felix Boswell, Gwin Burkett, Tommy Eiland and Richard Robertson; well-coached and

inspired to win, the Bulldogs played every game as one with each player contributing greatly to his team's success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate with utmost commendation Coach Don Sharpe, his entire staff and the Bulldogs of Andalusia High School on their most enviable record and on their record-breaking winning streak for all state high school classifications.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Edward Richardson, Principal, for appropriate school display with copies also to Coach Sharpe on behalf of his staff and team, and to Superintendent Oscar Zennah and the Andalusia City Board of Education in recognition of their support of their schools' athletic programs.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. ESTABLISHING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission."

The Commission shall be composed of six (6) members and a chairman. The members and chairman shall be appointed by the Madison County delegation.

The chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the chairman. Members of the Commission shall serve for a period of four (4) years without compensation.

The objective of the Commission will be to provide information and recommendations regarding terms of office and salaries of Madison County elected officials. The Commission shall report to the Madison County delegation upon request of the county delegation and on the first legislative day of the 1979 Regular Session and on the first legislative day of the regular session of the Legislature thereafter on a biennial basis. The specific objectives and procedures of The Commission shall be described by the Madison County delegation.

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall furnish a copy of this resolution to each member of the Madison County delegation.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. MOURNING THE DEATH OF CONSERVATION OFFICER FRANK STEWART OF ATMORE, ALABAMA.

WHEREAS, the Legislature of Alabama has noted with a deep sense of regret the death of Conservation Officer Frank Stewart of Atmore, Escambia County, Alabama, on December 24, 1978, at the age of 44; and

WHEREAS, he has been at various times a dedicated and conscientious law enforcement officer for the City of Bay Minette, the Baldwin County Sheriff's Department, the Alabama Board of Corrections, and since March, 1972, a Conservation Enforcement Officer with the Alabama Game and Fish Division assigned to Escambia County; and

WHEREAS, Officer Stewart was noted for his great interest in wildlife conservation and his ability to constantly work many hours beyond those required in a highly professional and dedicated manner; and

WHEREAS, he was a member of the Atmore, Alabama, Presley Street Baptist Church and was active in many of the civic endeavors of his community; he will be greatly and deeply missed and mourned by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Officer Frank Stewart, and extend our most heartfelt sympathy to his wife, Mrs. Joyce Stewart, and to his sons, Kelvin Julius and Donnie Frank, and to his daughters, Fonda Denise and Amanda.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Officer Stewart's family that they may know of the deep sorrow we share with them in their great loss and the great loss to wildlife conservation in this state.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. COMMENDING SENATOR MASTON MIMS FOR DISTINGUISHED SERVICE IN THE ALABAMA LEGISLATURE.

WHEREAS, in a desire to recognize distinguished service to our state, the Legislature of Alabama notes with warm commendation and deep appreciation the many notable contributions of our former colleague, Senator Maston Mims of Uriah; and

WHEREAS, farmer and cattleman, Maston Mims, came to the Senate in 1975 with four years experience in the House where he represented District 34 in Wilcox, Monroe and Conecuh Counties; as a member of that body, one of his assignments, most appropriately and wisely, was to the Agriculture Committee; in the Senate, his knowledgeability and consuming interest was again called upon when he was assigned to the Agriculture Committee and named chairman; he served equally as well, and diligently, in all other assignments thereby earning the admiration and respect of us all; and

WHEREAS, an active and contributing member of the Baptist Church, he also is a Mason, a past grand Marshal of the Alabama Grand Lodge and a member of the Alabama Cattleman's Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and former colleague, Senator Maston Mims; we further express

our deep appreciation for his outstanding service during eight years in the Alabama Legislature and direct that he receive a copy of this resolution as a token of our affection, admiration and praise.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Mr. White moved that when the Senate adjourns today, it adjourn to meet Friday, January 19, 1979, at 9 o'clock A.M.

Mr. St. John offered a substitute motion that when the Senate adjourns today, it adjourn to meet Friday, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 3. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study all aspects of a new state constitution. The committee shall be composed of 34 members as follows: The Lt. Governor and 17 members of the Senate appointed by the Lt. Governor, and the Speaker of the House of Representatives and 15 members of the House of Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the Committee and shall preside over the meetings of the committee. The committee shall meet upon the call of its chairmen.

The committee shall study all aspects of a new constitution and shall report its findings, comments and suggestions to the Legislature on the first legislative day of the next special or regular session of the Legislature, on which date the committee hereby established shall automatically be terminated and shall have no further legal function or existence.

The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs.: Smith, Martin, Bailey, Cook, Denton, Figures, Gullledge, Hall, Holmes, Lemaster, Parsons, Pearson, Proctor, McDonald, Little, Clemon and St. John.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 4. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 18, 1979, they adjourn to meet again on Friday, January 19, 1979; when the two houses adjourn on Friday, January 19, 1979, they adjourn to meet again on Monday, January 22, 1979; when they adjourn on Monday, January 22, 1979, they adjourn to meet again on Tuesday, January 23, 1979; when they adjourn on Tuesday, January 23, 1979, they adjourn to meet again on Wednesday, January 24, 1979; and when they adjourn on Wednesday, January 24, 1979, they adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Riddick, Smith (M), Gregg, Albright, Hall and Smith (J):

H. J. R. 6. ESTABLISHING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission."

The Commission shall be composed of nine (9) members with four (4) of its members from government, four (4) members from business, and a Chairman. The four (4) members from business and government shall include one lawyer, a manager, and two (2) salary administrators. Its membership shall be appointed by The Madison County Delegation.

The Chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of The Chairman. Members of The Commission shall serve without compensation.

The objective of The Commission will be to provide information and recommendations regarding salaries of Madison County elected officials. The specific objectives of The Commission shall be described by The Madison County Delegation.

BE IT FURTHER RESOLVED, That the Clerk of the House shall furnish a copy of this resolution to each member of the Madison County Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION TO ADJOURN

Mr. Goodwin moved that when the Senate adjourns on Friday, January 19, 1979, it adjourn to meet again on Monday, January 22, 1979, at 1 o'clock P.M., which motion was adopted.

ADJOURNMENT

At 4:48 P.M., on motion of Mr. Teague, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, January 19, 1979, at 10 o'clock A.M.

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SECOND LEGISLATIVE DAY

FRIDAY, JANUARY 19, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend James E. Jones, Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Goodwin	Little	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Harrison	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Denton	Lemaster	Robertson	White
Figures			

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Callahan, Clemon, Glass, Hall, Higginbotham, Martin, and Pearson for today.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Hines and Warren:

H. J. R. 10. MOURNING THE DEATH OF CONSERVATION OFFICER FRANK STEWART OF ATMORE, ALABAMA.

Also:

By Messrs. Cates and Wyatt:

H. J. R. 15. NAMING THE BRIDGE IN SOUTH CRENSHAW COUNTY, JUST SOUTH OF BRANTLEY, ALABAMA, LOCATED ON U. S. HIGHWAY 331 OVER THE CONECUH RIVER, THE "JIM FRANK WEED BRIDGE."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 10, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Williams, Carothers, Turnham, Cooper, Coburn, Daniels, McCorquodale, Starkey, Drinkard, Blake, Minus, Grimsley, Clark, Barton, Carter, Patton, Mitchell, Holley, Amari, Laird, Howard, Horn and Holmes:

H. J. R. 12. COMMENDING LIEUTENANT WALTER J. SMITH WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

By Messrs. Holmes, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 13. COMMENDING COACH PAUL "BEAR" BRYANT.

JOHN W. PEMBERTON,
Clerk.

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HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 12, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Holmes and Hilliard:

H. J. R. 14. COMMENDING COACH GEORGE JAMES OF ALABAMA STATE UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. RELATIVE TO THE APPOINTMENT OF A COMMITTEE OF THREE MEMBERS OF THE HOUSE AND TWO MEMBERS OF THE SENATE TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION AND READY FOR THE TRANSACTION OF BUSINESS.

Also:

H. J. R. 3. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

Also:

H. J. R. 4. RELATIVE TO MEETING DAYS OF THE SPECIAL SESSION AND SINE DIE ADJOURNMENT.

Also:

H. J. R. 6. ESTABLISHING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 2. COMMENDING THE ANDALUSIA HIGH SCHOOL BULLDOGS.

Also:

S. J. R. 4. MOURNING THE DEATH OF CONSERVATION OFFICER FRANK STEWART OF ATMORE, ALABAMA.

Also:

S. J. R. 5. COMMENDING SENATOR MASTON MIMS FOR DISTINGUISHED SERVICE IN THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

By Mr. St. John:

S. 2. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than that of executive assistants in the Governor's office.

By Mr. St. John:

S. 3. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

By Mr. St. John:

S. 4. To require the boards of registrars of the various counties to establish and maintain a permanent list of absentee voters who are physically incapacitated and who apply to be included on such list.

By Messrs. Little, Smith, McDonald, Denton, Britnell, Lemaster, Proctor, Keener and Taylor:

S. 5. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

RESOLUTION

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. NAMING THE CLASSROOM BUILDING ON THE EAST SIDE OF THE CAMPUS OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE, THE "BOB HARRIS BUILDING."

WHEREAS, Robert H. Harris, a longtime resident of Decatur in Morgan County, has performed many distinguished services for the people of North Alabama and for our entire state as well; and

WHEREAS, Robert Harris is a graduate of Auburn University and the University of Alabama School of Law; he is a United States Army veteran who has served as past president of the Decatur Rotary Club, the Decatur Chamber of Commerce, Morgan County Bar Association and the Morgan County United Fund; he also is a former recipient of the Distinguished Service Award from the Decatur Junior Chamber of Commerce and was selected as one of four Outstanding Young Men in Alabama by the Alabama Junior Chamber of Commerce in 1962; and

WHEREAS, Mr. Harris served in the Alabama State Senate from 1966 until 1974 during which time he was named Outstanding Freshman Senator in 1967, the Hardest Working Senator in 1969 and again in 1973, and Outstanding Senator in 1971; and

WHEREAS, as a state senator, Bob Harris rendered invaluable service to Alabama's educational community by specifically supporting and influencing the passage of capital outlay bond issuance bills and by insuring that funds were made available to Calhoun State Community College for construction; and

WHEREAS, in view of his many efforts to benefit Calhoun State Community College, it is both fitting and proper that a building be named in his honor and as a lasting reminder of his untiring efforts on behalf of our state's educational community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the classroom building located on the East side of the campus of John C. Calhoun State Community College is hereby designated the "Bob Harris Building" in honor of Mr. Robert H. Harris.

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BE IT FURTHER RESOLVED, That the proper authorities are authorized and directed to erect appropriate signs and markers so designating said building as the "Bob Harris Building."

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 10:30 A.M., on motion of Mr. McDonald, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Monday, January 22, 1979, at 1 o'clock P.M.

THIRD LEGISLATIVE DAY
MONDAY, JANUARY 22, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Monsignor Michael McGuinness, Pastor, Saint Bede's Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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JOURNAL

On motion of Mr. McDonald, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDonald, leave of absence was granted Mr. Callahan for today.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 2. COMMENDING THE ANDALUSIA HIGH SCHOOL BULLDOGS.

Also:

S. J. R. 4. MOURNING THE DEATH OF CONSERVATION OFFICER FRANK STEWART OF ATMORE, ALABAMA.

Also:

S. J. R. 5. COMMENDING SENATOR MASTON MIMS FOR DISTINGUISHED SERVICE IN THE ALABAMA LEGISLATURE.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Mr. Weeks filed the following Resolution, to-wit:

S. R. 7. COMMENDING BISHOP ARTHUR MARSHALL OF ATLANTA, GEORGIA.

RESOLUTION

Messrs. Harrison, Robertson, St. John, Denton and Taylor offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. PROVIDING FOR A LEGISLATIVE DELEGATION TO ACCOMPANY ALABAMA FARMERS TO WASHINGTON, D.C. DURING THE WEEK OF FEBRUARY 4-10, 1979.

WHEREAS, in its concern for the economic wellbeing of our state's farmers, the Legislature of Alabama expresses support of their efforts to obtain a fair rate of return on farm products produced in Alabama; and

WHEREAS, during the week of February 4-10, 1979, Alabama farmers will be in our nation's Capitol seeking relief from their deplorable economic plight; and

WHEREAS, the Alabama Legislature supports our farmers' efforts to obtain 100% of parity and 90% of the loan amount in 1979 for family farms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a two-member delegation be appointed to accompany Alabama farmers to Washington, D.C., February 4-10, 1979; one member to be appointed from the House and one member to be appointed from the Senate by the presiding officer of each house. The delegation will present a copy of this resolution to each member of the Alabama Congressional Delegation in Washington, D.C., a copy to the Secretary of Agriculture and a copy to the President of the United States. Each legislative

delegate shall be entitled to his regular legislative compensation, and to his actual travel and other necessary expenses for this trip which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs.	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Clemon	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Goodwin			

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Nays:

—0

The Bill:

S. 2. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than that of executive assistants in the Governor's office.

was taken up.

On motion of Mr. St. John, consideration of said Bill, S. B. 2, was postponed temporarily.

The Bill:

S. 3. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 33; Nays 0.

Yeas:

Messrs.	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Glass	Lemaster		

—33

Nays: —0

The Bill:

S. 4. To require the boards of registrars of the various counties to establish and maintain a permanent list of absentee voters who are physically incapacitated and who apply to be included on such list.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs.	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Clemon	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Glass			

—32

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 8. PROVIDING FOR A LEGISLATIVE DELEGATION TO ACCOMPANY ALABAMA FARMERS TO WASHINGTON, D.C. DURING THE WEEK OF FEBRUARY 4-10, 1979.

Mr. Harrison offered the following amendment to the Resolution, S. J. R. 8, to-wit:

AMENDMENT TO S. J. R. 8

Amend S. J. R. 8 Page 1 Line 32, by striking out after the word United States the following: All of the last sentence.

Which was adopted.

On motion of Mr. Harrison, said Resolution, as thus amended, was then adopted by the Senate.

On motion of Mr. Kirkland, the names of Bailey, Barron, Britnell, Callahan, Clemon, deGraffenried, Figures, Glass, Goodwin, Gullede, Hall, Higginbotham, Holmes, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Smith, Teague, Vacca, Weeks and White, were added as co-sponsors of the above Resolution.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 10. MOURNING THE DEATH OF CONSERVATION OFFICER FRANK STEWART OF ATMORE, ALABAMA.

Also:

H. J. R. 12. COMMENDING LIEUTENANT WALTER J. SMITH WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY

Also:

H. J. R. 13. COMMENDING COACH PAUL "BEAR" BRYANT

Also:

H. J. R. 14. COMMENDING COACH GEORGE JAMES OF ALABAMA STATE UNIVERSITY

Also:

H. J. R. 15. NAMING THE BRIDGE IN SOUTH CRENSHAW COUNTY, JUST SOUTH OF BRANTLEY, ALABAMA, LOCATED ON U.S. HIGHWAY 331 OVER THE CONECUH RIVER, THE "JIM FRANK WEED BRIDGE."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Manley, Biddle, McCorquodale, Owens, Waggoner, Dial, Gafford, Smith (M), Daniels, Naramore, Pegues, Smith (C), Payne, Goodwin,

Gilmer, Starkey, Cobb, Mitchell, Cosby, Cheatwood, Patton, Brakefield, Carter, Rains, Shoemaker, Johnson (R.G.), Minus, Willis, Edwards, Bennett and Campbell:

H. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Also:

By Manley, Biddle, Owens and Naramore:

H. 5. To amend Section 41-21-1, Code of Alabama 1975, which provides for the distribution of sets of the state code, so as to provide further for the distribution to the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1 and 5. To the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 5. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

was taken up.

Messrs. Little, Higginbotham, McDonald and Smith offered the following substitute for the Bill, S. B. 5, to-wit:

SUBSTITUTE FOR S. B. 5

A BILL TO BE ENTITLED AN ACT

To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers and to provide for the continued employment of certain existing employees of such welcoming centers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-7-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-7-2. The bureau shall be in charge of a director of publicity. The director shall be appointed by and serve at the pleasure of the governor. The governor shall fix his compensation in accordance with the provisions of section 36-6-6. The director shall appoint division and unit heads and such assistants and employees as may be necessary to the efficient operation of the bureau. All employees of the bureau shall be subject to the provisions of the Merit System Act. It is further provided, however, that all persons employed by the bureau for positions in state welcoming centers who have satisfactorily performed, as so deemed by the director, employment contracts as of the effective date of this amendatory act shall retain their employment positions with the bureau for a period of 104 days commencing on March 9, 1979."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Clemon	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
			—31

Nays:

—0

And said Bill, S. B. 5, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Glass	Kirkland	Robertson	
			—30

Nays:

—0

FURTHER CONSIDERATION OF S. B. 2

The Senate proceeded to further consideration of the Bill, S. B. 2.

Mr. Barron offered the following amendment to the Bill, S. B. 2, to-wit:

FIRST EXTRAORDINARY SESSION
3rd Day

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AMENDMENT TO S. B. 2

Amend S. B. 2 Section 1 on line 35 by striking therefrom the following words: as has heretofore or as may hereafter be allowed by law for such office the executive assistants in the governor's office. and insert in lieu thereof the following: of \$22,000.

Which was adopted.

Yeas 29; Nays 1.

Yeas:

Messrs.	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Barron	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Glass	Kirkland	Robertson	White
Goodwin	Little		

—29

Nay: Mr. Clemon —1

And said Bill, S. B. 2, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs.	Glass	Kirkland	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White

—31

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Owens and Holmes:

H. 7. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than twenty one thousand and nine hundred dollars (\$21,900.00).

Also:

By Mr. Sasser:

H. 2. To amend Section 8 of Act No. 138 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama so as to provide further for the use and distribution of the proceeds of the bonds therein authorized to be issued.

Also:

By Mr. Manley:

H. 6. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

Also:

By Mr. Manley:

H. 11. To amend Section 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

Also:

By Mr. Manley:

H. 8. To amend Section 34-3-16, Code of Alabama 1975, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Also:

By Mr. Manley:

H. 9. To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

Also:

By Mr. Manley:

H. 10. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Also:

By Carter, Laird, Riddick, Smith (M), Brakefield, Patton, Letson, Roberts, Kelley, Adams (C) and Smith (J):

H. B. 3. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to

provide further for the personnel of the state welcoming centers and to provide for the continued employment of certain existing employees of such welcoming centers.

Also:

By Kelley and Dial:

H. B. 4. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 7, 6 and 3. To the Committee on Rules.

H. B.'s 2 and 4. To the Committee on Finance and Taxation.

H. B.'s 11, 8, 9 and 10. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 6. NAMING THE CLASSROOM BUILDING ON THE EAST SIDE OF THE CAMPUS OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE, THE "BOB HARRIS BUILDING."

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 3:40 P.M., on motion of Mr. Smith, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 23, 1979, at 11 o'clock A.M.

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FOURTH LEGISLATIVE DAY

TUESDAY, JANUARY 23, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend William R. Pomeroy, Assistant Pastor, Dalraida Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Figures	Little	Robertson
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

—33

JOURNAL

On motion of Mr. McDonald, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDonald, leave of absence was granted Messrs. Glass and Lemaster for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, had compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 6. NAMING THE CLASSROOM BUILDING ON THE EAST SIDE OF THE CAMPUS OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE, THE "BOB HARRIS BUILDING."

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Biddle III and Carothers:

H. J. R. 23. REQUESTING THE GEORGIA LEGISLATURE TO REPEAL THEIR NEW NON-RESIDENT HUNTING LICENSE LAW.

WHEREAS, our neighboring and sister State of Georgia has recently enacted a law which limits to one hundred the number of out-of-state hunters who may be licensed to hunt big game in any Georgia county; and

WHEREAS, this figure might seem to be an ample number of out-of-state hunters for an individual county, it is in fact a considerable restriction because of the fact that deer and turkeys are concentrated in heavy population in a certain few counties of Georgia rather than being distributed equally throughout the entire state; and

WHEREAS, this Georgia hunting restriction adversely affects the right and privilege of citizens of Alabama to hunt in Georgia; and

WHEREAS, the State of Alabama has never placed a restriction on Georgia citizens to hunt in this state; and

WHEREAS, if Georgia persists in this law, it will be inevitable that Alabama will eventually reciprocate by the passage of a law or a conservation regulation that will restrict the rights of hunters who come from states that restrict the rights of Alabama hunters; and

WHEREAS, we do not wish to engage in this type of restriction and wish for our beloved sister State of Georgia to rescind this narrow-minded and selfish view of hunting privileges in that state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do encourage the Legislature of our sister State of Georgia to rescind their new hunting law which limits to one hundred the number of out-of-state hunters who may be licensed to hunt big game in any one Georgia county.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the appropriate officials of both the Georgia House and Georgia Senate and to the Game and Fish Commissioner of the State of Georgia, and that copies be sent to the largest daily papers in the State of Georgia.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Kelley and Dial (With Amendment):

H. 4. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sasser:

H. 2. To amend Section 8 of Act No. 138 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama so as to provide further for the use and distribution of the proceeds of the bonds therein authorized to be issued.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al:

H. 1. To amend Section 29-1-4, code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

By Mr. Carter, et al:

H. 3. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide

further for the personnel of the state welcoming centers and to provide for the continued employment of certain existing employees of such welcoming centers.

By Manley, Biddle, Owens and Naramore:

H. 5. To amend Section 41-21-1, Code of Alabama 1975, which provides for the distribution of sets of the state code, so as to provide further for the distribution to the legislature.

By Mr. Manley:

H. 6. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

By Owens and Holmes:

H. 7. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than twenty one thousand and nine hundred dollars (\$21,900.00).

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley:

H. 8. To amend Section 34-3-16, Code of Alabama 1975, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley (With Substitute):

H. 10. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Manley:

H. 9. To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

By Mr. Manley:

H. 11. To amend Section 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

RESOLUTION

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. CREATING A CONTINUING JOINT FISCAL STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Continuing Joint Fiscal Study Committee, hereinafter called the "Committee."

a. The Committee shall be composed of 20 members as follows: The Lt. Governor and 19 members of the Senate appointed by the Lt. Governor, and the Speaker of the House of Representatives and 19 members of the House of Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the Committee and shall preside over the meetings of the Committee. The Committee shall meet upon the call of its chairmen.

b. The Committee shall meet at the call of the chairmen who shall set the agenda. The Committee shall meet as soon as practicable following the adoption of this resolution. The Committee shall inquire into the fiscal status of the departments and agencies of the State of Alabama, specifically ascertaining with respect to such, the anticipated or projected cost of operation for the remainder of the 1978-79 fiscal year and each fiscal year hereafter and also ascertaining whether or not available appropriations or anticipated revenues specifically allocated to such departments and agencies are adequate to cover such projected costs. Specific inquiry shall be made to ascertain whether any current activities or programs of the state must be curtailed or abandoned during the 1978-79 fiscal year due to non-availability of funds. The Committee shall ascertain the present financial posture of those departments and agencies of the State of Alabama which in the Committee's judgment face unique and immediate financial difficulties or require special inquiry or investigation.

c. The Committee shall also be authorized to make inquiries as to future budgetary and fiscal matters affecting any department, board, bureau, commission, office, institution, college, university, school board, or agency if the Committee feels that such action would assist the Senate Finance and Taxation Committee and the House Ways and Means Committee in their later deliberations.

d. The Committee may make any other fiscal or budgetary inquiry or investigation that it deems necessary or desirable.

e. All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

f. The chairmen of the Committee created under this joint resolution shall be empowered to employ such clerical, legal, and stenographic assistance as may be necessary and with the cost of such to be paid as provided by Section 29-1-9 of the Code of Alabama 1975.

g. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions to be paid in the same manner as such compensation and expenses.

h. The Committee shall prepare a written report of its findings and recommendations, which report shall be furnished to the Governor and to each member of the Legislature by no later than the fifth (5th) legislative day of the Regular Session of 1979. The Committee shall also make and file a preliminary report of its activities to the Governor each fiscal year.

Which was read and referred to the Standing Committee on Rules.

ADJOURNMENT MOTION ADOPTED

Mr. White moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, January 24, 1979, at 12:01 A.M.

Mr. McDonald offered a substitute motion that when the Senate adjourns today, it adjourn to meet on Wednesday, January 24, 1979, at 9 o'clock A.M., which motion was adopted.

Yeas 21; Nays 10.

Yeas:

Messrs.	Hall	McDonald	Robertson
Bailey	Harrison	Miller	St. John
Britnell	Higginbotham	Mitchem	Smith
Clemon	Holmes	Parsons	Taylor
Denton	Little	Pearson	Vacca
Figures	Martin		

—21

Nays:

Messrs.	deGraffenreid	Kirkland	Weeks
Barron	Goodwin	Proctor	White
Cook	Keener	Teague	

—10

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 9. CREATING A CONTINUING JOINT FISCAL STUDY COMMISSION.

Mr. Kirkland moved that further consideration of the Resolution, S. J. R. 9, be postponed until the next Legislative Day.

On motion of Mr. Pearson, said motion was laid on the table.

Yeas 18; Nays 15.

Yeas:

Messrs.	Barron	Clemon	Figures
Bailey	Callahan	Denton	Higginbotham

Holmes	Miller	Smith	Vacca	
Little	Pearson	Taylor	Weeks	
McDonald	Robertson	Teague		—18

Nays:

Messrs.	Goodwin	Keener	Parsons	
Britnell	Gulledge	Kirkland	Proctor	
Cook	Hall	Martin	St. John	
deGraffenreid	Harrison	Mitchem	White	—15

Mr. Hall offered the following amendment to the Resolution, S. J. R. 9, to-wit:

AMENDMENT TO S. J. R. 9

Amend S. J. R. 9, Page 1, Line 17, by replacing the number 19 by the number 35.

On motion of Mr. Clemon, said amendment was laid on the table.

Mr. Pearson offered the following amendment to the Resolution, S. J. R. 9, to-wit:

AMENDMENT TO S. J. R. 9

Amend S. J. R. 9, Page 3, Line 11, by adding after the words fiscal year, the following language. "said committee shall terminate November 1, 1982"

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs.	Figures	Little	Robertson	
Bailey	Goodwin	Martin	St. John	
Barron	Gulledge	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
Clemon	Higginbotham	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Kirkland			—33

Nays: —0

Mr. Hall then offered the following amendment to the Resolution, S. J. R. 9, as amended, to-wit:

AMENDMENT TO S. J. R. 9

Amend S. J. R. 9, Page 1, Line 17, by replacing the number 19 by the number 20

On motion of Mr. Higginbotham, said amendment was laid on the table.

Yeas 29; Nays 3.

Yeas:

Messrs.	Callahan	Cook	Denton
Barron	Clemon	deGraffenried	Figures

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Gulledge	Little	Pearson	Taylor
Harrison	Martin	Proctor	Teague
Higginbotham	McDonald	Robertson	Vacca
Holmes	Miller	St. John	Weeks
Keener	Mitchem	Smith	White
Kirkland	Parsons		

—29

Nays: Messrs. Bailey, Britnell, Hall.

—3

And on motion of Mr. Pearson, said Resolution, S. J. R. 9, as thus amended, was then adopted by the Senate.

Yeas 31; Nays 2.

Yeas:

Messrs.	Denton	Little	Robertson
Bailey	Figures	Martin	St. John
Barron	Goodwin	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White

—31

Nays: Messrs. Hall, Kirkland.

—2

POINT OF PERSONAL PRIVILEGE

Mr. Kirkland requested that the Journal show that he was in favor of creation of the Committee, as authorized by the Resolution, S. J. R. 9, but voted against the Resolution because there was no ceiling on expenditure of funds.

RESOLUTIONS

Messrs. McDonald, Smith, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. COMMENDING JOHN STALLWORTH, STAR STEELER AND SUPER BOWL XIII STANDOUT.

WHEREAS, it is with great pride that the Legislature of Alabama recognizes the credit, fame and honor brought to our State by native son, John Stallworth, whose brilliant performance in Super Bowl XIII contributed greatly to the Pittsburgh Steeler's outstanding victory over the Dallas Cowboys; and

WHEREAS, he is a native of Tuscaloosa and presently a resident of Huntsville, Alabama; John Stallworth, a superb athlete since boyhood, played for both Druid High School and Tuscaloosa High School and for Alabama A&M University; and

WHEREAS, an A&M 1974 graduate, he was drafted by the Pittsburgh Steelers and, as wide receiver for five years, has shared the glory of an unprecedented three Super Championships for the Pittsburgh pros; and

WHEREAS, for the regular 1978 season, Stallworth caught 41 passes for a total of 798 yards and nine touchdowns; he set an NFL divisional play-off record catching ten passes against Denver, caught a 45-yard touchdown pass against Houston for a berth in the Super Bowl and caught two touchdown passes, one for 28 yards and one for 75 yards, in the big one against Dallas before injuries took him from the game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding career, we most highly commend our native son, John Stallworth; we offer hearty congratulations on his third big Super Bowl win and express appreciation for the honor he has brought to our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to John Stallworth as a token of our esteem with copies also provided for the Steeler's owner, Mr. Art Rooney, and for Head Coach Chuck Noll.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, deGraffenried, Bailey, Barron, Britnell, Callahan, Clemon, Cook, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

WHEREAS, Thomas D. Russell, a distinguished alumnus of the University of Alabama, and his equally illustrious wife, Julia W. Russell, have manifested generously their support and loyalty to the University for many years, twenty-seven of which Thomas Russell has served as an elected or life member of the Board of Trustees; and

WHEREAS, Mr. and Mrs. Russell have been interested especially in the development and support of all major health care activities in the state and, therefore, it would be particularly fitting for them to be honored by having the impressive student health center on the University of Alabama campus in Tuscaloosa bear their names; and

WHEREAS, the Board of Trustees of the University of Alabama has previously authorized the naming of this building for Mr. and Mrs. Russell, subject to legislative approval, and the members of the legislature wish to join in honoring again these outstanding Alabamians by approving this action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the student health center on the campus of the University of Alabama be and the same hereby is named, "Thomas D. and Julia W. Russell Hall" in honor of Thomas and Julia Russell.

BE IT RESOLVED FURTHER, That the Secretary of the Senate is directed to forward copies of this resolution to Mr. and Mrs. Russell.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 12:33 P.M., on motion of Mr. Teague, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, January 24, 1979, at 9 o'clock A.M.

FIFTH LEGISLATIVE DAY

WEDNESDAY, JANUARY 24, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Pastor, First Independent Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Figures	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Bedsole, McCorquodale, Manley, Dixon, Smith (C), McKee:

H. J. R. 34. MOURNING THE DEATH OF MRS. JOSIE KEY HOWARD.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Mary Josepha Key Howard at her home in Montgomery, Alabama, on January 21, 1979, at the age of 74; and

WHEREAS, a native and lifelong resident of Montgomery, Mrs. Josie Howard was the widow of the late Milo B. Howard and was the mother of Milo B. Howard, Jr., Director of the Alabama Department of Archives and History, and Mrs. Marilakin Howard Thomas of Forest, Mississippi; and

WHEREAS, a gracious lady of great charm, Mrs. Howard was also a woman of outstanding ability who prominently participated for many years in the civic, social and charitable affairs of her city; she was a member of the

Dexter Avenue United Methodist Church, a member of Sophie Bibb Chapter of the United Daughters of the Confederacy and served for fifty years on the board of directors of the Woman's Home in Montgomery; and

WHEREAS, though she greatly and favorably influenced the lives of all those whom she knew and loved, none so profoundly as those of her son and daughter who commendably reflect her teachings of priorities, the wisdom of her guidance, her ideals and her emphasis on our proud tradition and heritage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Josie Key Howard and extend our most heartfelt sympathy to all members of her family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to her son, Milo B. Howard, Jr., to her daughter, Marilakin Howard Thomas, and other family members that they may know of our concern for them and may know, too, that we share the sorrow of their loss.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Whatley:

H. J. R. 19. RECREATING THE JOINT STUDY COMMITTEE ON AGRICULTURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint study committee on agriculture, which shall be a continuing committee to make a study of the condition of agriculture and conservation in the state, hold hearings and inquire into ways and means of improving conditions in the field of agriculture and conservation in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the House Committee on Agriculture, and Forestry and the Senate Committee on Agriculture, Conservation and Forestry and certain members of the Legislature, as appointed by the Speaker of the House and the Lieutenant Governor. The Chairman of the Senate Committee on Agriculture, Conservation and Forestry shall serve as the Chairman of this committee, and the Chairman of the House Committee on Agriculture and Forestry shall serve as Vice-Chairman. The chairman of the Committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear

before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed seven thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Any out-of-state travel must be approved by the Governor. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 19, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Bedsole, Harper, McMillan, Kennedy, Zoghby, Stewart, Parker, Turner, Buskey, Sandusky, Cooper:

H. J. R. 35. COMMENDING THE MOBILE, ALABAMA, PARTICIPANTS IN OUR STATE'S INAUGURAL EVENTS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 35, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Smith offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. RELATING TO MEMBERS OF COMMITTEES OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND THE COUNCIL OF STATE GOVERNMENTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the legislature serving as a member of a committee of the National Conference of State Legislatures or The Council of State Governments who is not a member of the Legislative Council shall be entitled to the same compensation, expenses, and transportation allowances for attendance at meetings of such committee as members of the Legislative Council. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the legislature.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 2. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than that of executive assistants in the Governor's office.

Also:

S. 3. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Bennett, Crow, Campbell, Willis, Blake, Amari, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby:

H. J. R. 30. COMMENDING THE 1978 JACKSONVILLE STATE UNIVERSITY GAMECOCK FOOTBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Taylor offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

WHEREAS, in order to rededicate Alabamians with purposeful understanding to the needs and purposes of our country's national defense and to again appreciate the principle that only with strength, courage, understanding and conviction can our country progress in a difficult world; and

WHEREAS, upon these principles rests a strong national defense for the benefit of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor of Alabama is hereby requested to designate and dedicate February 12 to 22 of each year as "National Defense Week."

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday, but a week for discussion, reflection, education, and exchange of ideas and views for the development of a better understanding and basis for action concerning the needs and purposes of our country's national defense, and our way of life.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Governor Fob James.

On motion of Mr. Taylor, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Taylor, Kirkland, Gullledge, Bailey, Callahan and Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. COMMENDING THE ROTARIAN GROUP STUDY EXCHANGE DELEGATION TO NEW SOUTH WALES, AUSTRALIA.

WHEREAS, the Legislature of Alabama notes with interest and commendation an imminent cultural exchange study tour to New South Wales, Australia, by a group of prominent South Alabamians; and

WHEREAS, sponsored by District 688 of Rotary International, which is composed of local clubs from Montgomery South to Mobile, Alabama, the study group will be led by Rotarian Walter H. Porter of Auburn who is the district governor's representative; his five team members are Mr. John Autrey of Greenville, Mr. Jimmy McCrackin of Brewton, Mr. Gary Moore of Fairhope, Mr. Jim Williams of Mobile and Mr. Keith Roling of Dothan; and

WHEREAS, nominated by local Rotary Clubs in their area, the delegates were then chosen by a committee for that purpose from Rotarian District 688; they were selected on the basis of good character, civic involvement, achievement and on the possession of those qualities necessary to serve as good will ambassadors; and

WHEREAS, for six weeks beginning February 14, this prestigious group will travel extensively throughout New South Wales, Australia, staying in private homes for the entire trip; as part of a cultural exchange, they will observe and study the customs, education, industry and other areas of their host country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend this extraordinary group of Alabamians selected to represent our state as good will ambassadors to Australia.

BE IT FURTHER RESOLVED, That each member of the delegation receive a copy of this resolution as a token of our praise and that they may know of our warm best wishes for a successful and fruitful journey.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 23. REQUESTING THE GEORGIA LEGISLATURE TO REPEAL THEIR NEW NON-RESIDENT HUNTING LICENSE LAW.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Turnham, Whatley, Ward and Smith (C):

H. J. R. 39. HONORING MR. CECIL G. DAVIS, ASSOCIATE DIRECTOR-FIELD OPERATIONS, ALABAMA COOPERATIVE EXTENSION SERVICE.

WHEREAS, the Legislature of Alabama notes with regret the announced retirement of Mr. Cecil G. Davis as Associate Director-Field Operations of the Alabama Cooperative Extension Service on June 1, 1979; and

WHEREAS, Mr. Davis, a native of Carbon Hill, a decorated World War II combat veteran, and a 1948 graduate of Alabama Polytechnic Institute with a Bachelor of Science degree in agricultural science; he worked his way up through the ranks of the Alabama Cooperative Extension Service, holding his first Extension job in Cullman in 1948; he later served as Assistant Agent for several counties and in 1954 was promoted to County Agent in Pickens County; he was later promoted to District Program Specialist, and in 1972 was promoted to District Extension Chairman for North Alabama; in 1977 he was appointed Associate Director-Field Operations, a position he has faithfully and effectively served; and

WHEREAS, Mr. Davis' unceasing devotion to duty and positive unwavering leadership are well known to his co-workers; he developed the original proposal for re-organization of field operations, including the concept of district supervisory teams; he contributed to the development of computer based systems for county staffing and financial support and because of his years of effort and determination ACES staff members have obtained state retirement benefits; and

WHEREAS, further, he received five battle stars and the Bronze Star for valor during his tenure with the U. S. Army; he was named "Man of the Year" in 1963 in Pickens County; he is a member of Alpha Gamma Rho social fraternity, several honorary fraternities and holds membership in a number of fraternal, civic and professional organizations; he is president of the Alabama Association of County Agricultural Agents; and holds a Master's degree in agriculture from Auburn and has completed several hours of work beyond the Master's degree program in development and administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Cecil G. Davis on his prestigious career with the Extension Service. We voice our appreciation for his outstanding accomplishments and wish for him and his wife, Rachel, continued success and happiness in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Davis so that he and Mrs. Davis and their children, Grant and Cecilia Rachel, may know of our deep appreciation and high esteem.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Messrs. Lemaster and Mitchem filed the following Senate Resolution, to-wit:

S. R. 15. REGRETTING THE ILLNESS OF MRS. HENRY GRADY JACOBS.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holley:

H. J. R. 29. PROVIDING FOR A LEGISLATIVE DELEGATION TO ACCOMPANY ALABAMA FARMERS TO WASHINGTON, D.C. DURING THE WEEK OF FEBRUARY 4-10, 1979.

WHEREAS, in its concern for the economic wellbeing of our state's farmers, the Legislature of Alabama expresses support of their efforts to obtain a fair rate of return on farm products produced in Alabama; and

WHEREAS, during the week of February 4-10, 1979, Alabama farmers will be in our nation's Capitol seeking relief from their deplorable economic plight; and

WHEREAS, the Alabama Legislature supports our farmers' efforts to obtain 100% of parity and 90% of the loan amount in 1979 for family farms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a two-member delegation be appointed to accompany Alabama farmers to Washington, D.C., February 4-10, 1979; one member to be appointed from the House and one member to be appointed from the Senate by the presiding officer of each house. The delegation will present a copy of this resolution to each member of the Alabama Congressional Delegation in Washington, D.C., a copy to the Secretary of Agriculture and a copy to the President of the United States. Each legislative delegate shall be entitled to his regular legislative compensation, and to his actual travel and other necessary expenses for this trip which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 29, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 9. CREATING A CONTINUING JOINT FISCAL STUDY COMMISSION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 9, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. J. R. 9

S. J. R. 9. CREATING A CONTINUING JOINT FISCAL STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Continuing Joint Fiscal Study Committee, hereinafter called the "Committee."

a. The Committee shall be composed of 40 members as follows: The Lt. Governor and 19 members of the Senate appointed by the Lt. Governor, and the Speaker of the House of Representatives and 19 members of the House of

Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the Committee and shall preside over the meetings of the Committee. The Committee shall meet upon the call of its chairmen.

b. The Committee shall meet at the call of the chairmen who shall set the agenda. The Committee shall meet as soon as practicable following the adoption of this resolution. The Committee shall inquire into the fiscal status of the departments and agencies of the State of Alabama, specifically ascertaining with respect to such, the anticipated or projected cost of operation for the remainder of the 1978-79 fiscal year and each fiscal year hereafter and also ascertaining whether or not available appropriations or anticipated revenues specifically allocated to such departments and agencies are adequate to cover such projected costs. Specific inquiry shall be made to ascertain whether any current activities or programs of the state must be curtailed or abandoned during the 1978-79 fiscal year due to nonavailability of funds. The Committee shall ascertain the present financial posture of those departments and agencies of the State of Alabama which in the Committee's judgment face unique and immediate financial difficulties or require special inquiry or investigation.

c. The Committee shall also be authorized to make inquiries as to future budgetary and fiscal matters affecting any department, board, bureau, commission, office, institution, college, university, school board, or agency if the Committee feels that such action would assist the Senate Finance and Taxation Committee and the House Ways and Means Committee in their later deliberations.

d. The Committee may make any other fiscal or budgetary inquiry or investigation that it deems necessary or desirable.

e. All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

f. The chairmen of the Committee created under this joint resolution shall be empowered to employ such clerical, legal, and stenographic assistance as may be necessary and with the cost of such to be paid as provided by Section 29-1-9 of the Code of Alabama 1975.

g. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions to be paid in the same manner as such compensation and expenses.

h. The Committee shall prepare a written report of its findings and recommendations, which report shall be furnished to the Governor and to each member of the Legislature by no later than the fifth (5th) legislative day of the Regular Session of 1979. The Committee shall also make and file a preliminary report of its activities to the Governor each fiscal year; said Committee shall terminate November 1, 1982.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 10. COMMENDING JOHN STALLWORTH, STAR STEELER AND SUPER BOWL XIII STANDOUT.

Also:

S. J. R. 11. AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 29. PROVIDING FOR A LEGISLATIVE DELEGATION TO ACCOMPANY ALABAMA FARMERS TO WASHINGTON, D.C. DURING THE WEEK OF FEBRUARY 4-10, 1979.

Mr. Little offered the following amendment to the Resolution, H. J. R. 29, to-wit:

AMENDMENT TO H. J. R. 29

Amend H. J. R. 29 Page 1 Line 36, by inserting after the word "legislature" the words

AS PER H. J. R. 19 as passed in the 1st Special Session, 1979,

On motion of Mr. Harrison, said amendment was laid on the table.

Yeas 21; Nays 10.

Yeas:

Messrs.	Goodwin	McDonald	Taylor	
Britnell	Gulledge	Miller	Teague	
Callahan	Harrison	Mitchem	Vacca	
deGraffenried	Kirkland	St. John	Weeks	
Denton	Lemaster	Smith	White	
Figures	Martin			—21

Nays:

Messrs.	Hall	Keener	Proctor	
Bailey	Higginbotham	Little	Robertson	
Barron	Holmes	Parsons		—10

Mr. Barron offered the following amendment to the Resolution, H. J. R. 29, to-wit:

AMENDMENT TO H. J. R. 29

Amend H. J. R. 29 by deleting the following words on lines 33 and 34:

"regular legislative compensation, and to his"

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On motion of Mr. Harrison, said amendment was laid on the table.

Yeas 23; Nays 9.

Yeas:

Messrs.	Figures	Lemaster	Smith
Britnell	Goodwin	Martin	Taylor
Callahan	Gulledge	McDonald	Teague
Clemon	Hall	Miller	Vacca
deGraffenried	Harrison	Mitchem	Weeks
Denton	Kirkland,	St. John	White
			—23

Nays:

Messrs.	Higginbotham	Little	Proctor
Bailey	Holmes	Parsons	Robertson
Barron	Keener		—9

Mr. St. John offered the following amendment to the Resolution, H. J. R. 29, to-wit:

AMENDMENT TO H. J. R. 29

Amend H. J. R. 29 page line 32, by striking out the sentence beginning on line 32 and ending on line 37.

Mr. Harrison moved that said amendment be laid on the table, which motion was lost.

Yeas 12, Nays 19.

Yeas:

Messrs.	Harrison	Martin	Mitchem
Britnell	Kirkland	McDonald	Vacca
Goodwin	Lemaster	Miller	Weeks
Gulledge			—12

Nays:

Messrs.	Denton	Keener	St. John
Bailey	Figures	Little	Smith
Barron	Hall	Parsons	Taylor
Callahan	Higginbotham	Proctor	Teague
deGraffenried	Holmes	Robertson	White
			—19

And said amendment was then adopted by the Senate.

And on motion of Mr. Harrison, said Resolution, H. J. R. 29, as thus amended, was concurred in and adopted by the Senate.

Yeas 30; Nays 1.

Yeas:

Messrs.	Britnell	deGraffenried	Gulledge
Bailey	Callahan	Denton	Hall
Barron	Cook	Figures	Harrison

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Higginbotham	Martin	Proctor	Teague	
Holmes	McDonald	Robertson	Vacca	
Kirkland	Miller	St. John	Weeks	
Lemaster	Mitchem	Smith	White	
Little	Parsons	Taylor		—30

Nays: Mr. Keener. —1

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Charles D. Kelly to the rank of Brigadier General.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

January 23, 1979

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Colonel Charles D. Kelly has been promoted to the rank of Brigadier General per the attached special Order Number A-68.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,

FOB JAMES,
Governor.

January 23, 1979

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General, was read and referred to the Standing Committee on Rules.

RECESS

At 10:50 A.M., on motion of Mr. St. John, the Senate took a recess until 11:05 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Charles D. Kelly to the rank of Brigadier General.

On motion of Mr. McDonald, the appointment of Charles D. Kelly was confirmed by the Senate.

Yeas 32; Nays 0.

Yeas:

Messrs.	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
deGraffenried	Kirkland	Pearson	White
Denton			

—32

Nays:

—0

BILLS ON THIRD READING

The Bill:

H. 4. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 4, and also H. B's 2, 1, 3, 5, 6 and 7, was postponed temporarily.

The Bill:

H. 10. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 10, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 10

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-3-3, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-3-3. Applicants for admission to the bar not required by law to take an examination shall pay a fee to be set by the board of commissioners, but not to exceed \$100.00; applicants for admission who are bona fide residents of the state of Alabama who are required to be examined by the board of examiners shall pay a fee to be determined by the board of commissioners not to exceed \$100.00 \$130.00 and applicants for admission who are not bona fide residents of the state of Alabama who are required to be examined by the board of bar examiners shall pay the same fee set for residence examinees, plus an additional sum of \$150.00, to be determined by the board of commissioners not to exceed \$175.00; and said fees shall become a part of the separate fund provided for in section 34-3-4. Such fees shall be paid to the treasurer, and the treasurer's receipt therefor shall be filed with the application."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Kirkland, further consideration of said Bill, H. B. 10, and pending substitute, was indefinitely postponed by the Senate.

The Bill:

H. 8. To amend Section 34-3-16, Code of Alabama 1975, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton			

—32

Nays:

—0

The Bill:

H. 9. To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

was read a third time at length and passed.

FIRST EXTRAORDINARY SESSION
5th Day

51

Yeas 31; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White

—31

Nays: —0

The Bill:

H. 11. To amend Section 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Proctor	White
Denton			

—32

Nays: —0

FURTHER CONSIDERATION OF H. B. 4

The Senate proceeded to further consideration of the Bill, H. B. 4.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 4, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 4

Amend H. B. 4 as follows:

On page one, in the synopsis, on line 16, strike the word "gross" and insert in lieu thereof:

net taxable

On page one, in the Title, on line 27, strike the word "gross" and insert in lieu thereof:

net taxable

On page two, in Section 1, on line 13, after the word "return", insert the following word:

then

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.	Goodwin	Lemaster	Robertson	
Bailey	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Clemon	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Figures				—32

Nays:

—0

And said Bill, H. B. 4, as thus amended, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.	Figures	Lemaster	Robertson	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Harrison	Miller	Teague	
Clemon	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Kirkland			—33

Nays:

—0

The Bill:

H. 2. To amend Section 8 of Act No. 138 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama so as to provide further for the use and distribution of the proceeds of the bonds therein authorized to be issued.

was read a third time at length and passed.

Yeas 31; Nays 1.

Yeas:

Messrs.	Denton	Kirkland	Robertson	
Bailey	Figures	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Harrison	Miller	Teague	
Clemon	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Proctor	White	—31

Nay: Mr. Hall.

—1

The Bill:

H. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Figures	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Clemon	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White
Denton			—32

Nays:

—0

The Bill:

H. 3. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers and to provide for the continued employment of certain existing employees of such welcoming centers.

was taken up.

On motion of Mr. McDonald, said Bill, H. B. 3, was postponed temporarily.

The Bill:

H. 5. To amend Section 41-21-1, Code of Alabama 1975, which provides for the distribution of sets of the state code, so as to provide further for the distribution to the legislature.

was taken up.

Mr. Hall offered the following amendment to the Bill, H. B. 5, to-wit:

AMENDMENT TO H. B. 5

Amend House Bill No. 5 Page 2 Line 5, by changing the word "two" to "one"

On motion of Mr. McDonald, said amendment was laid on the table.

And said Bill, H. B. 5, was then read a third time at length and passed.

Yeas 28; Nays 2.

Yeas:

Messrs.	Callahan	deGraffenried	Goodwin
Bailey	Clemon	Denton	Harrison
Barron	Cook	Figures	Higginbotham

Holmes	McDonald	Robertson	Teague	
Keener	Miller	St. John	Vacca	
Kirkland	Mitchem	Smith	Weeks	
Lemaster	Proctor	Taylor	White	
Little				—28
Nays: Messrs. Hall, Martin.				—2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Hines and Warren:

H. J. R. 40. DESIGNATING THE MUSEUM AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM."

WHEREAS, the ancestors of Thomas E. McMillan formerly owned and lived on the land where the Jefferson Davis State Junior College is now located in Brewton; and

WHEREAS, Thomas E. McMillan was a charter member and active trustee of the Escambia County Historical Society until his death; and

WHEREAS, Thomas E. McMillan received an award of merit from the Alabama Historical Commission in recognition of his efforts as a long-time preservationist and historian; and

WHEREAS, the Thomas E. McMillan estate has contributed a sizable sum to the Escambia County Historical Society for the purpose of helping build and support a museum to be established at Jefferson Davis State Junior College; and

WHEREAS, The Thomas E. McMillan family has an outstanding collection of artifacts and historical objects of museum quality that will be used as a nucleus of a fine historical museum at Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That to perpetuate the memory of this generous concurring, that to perpetuate the memory of this generous man and his many contributions to his community and to Jefferson Davis State Junior College in particular, the museum being established at Jefferson Davis State Junior College in Brewton shall be designated the "Thomas E. McMillan Museum."

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to send copies of this resolution to the family of Thomas E. McMillan and to the President of Jefferson Davis State Junior College.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 2. To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than that of executive assistants in the Governor's office.

Also:

S. 3. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

Also:

S. J. R. 9. CREATING A CONTINUING JOINT FISCAL STUDY COMMISSION.

Also:

S. J. R. 10. COMMENDING JOHN STALLWORTH, STAR STEELER AND SUPER BOWL XIII STANDOUT.

Also:

S. J. R. 11. AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. McDonald, further consideration of the Bill, H. B. 6, was indefinitely postponed by the Senate.

FURTHER CONSIDERATION OF H. B. 3

The Senate proceeded to further consideration of the Bill, H. B. 3.

Mr. Little offered the following amendment to the Bill, H. B. 3 to-wit:

AMENDMENT TO H. B. 3

Amend House Bill No. 3 Page 2 Line 9 and 10, by striking out after the word "contracts" the words

for at least 12 consecutive months.

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.	Figures	Lemaster	Proctor	
Bailey	Goodwin	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Callahan	Higginbotham	Miller	Taylor	
Clemon	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
deGraffenried	Kirkland	Pearson	White	
Denton				—32

Nays: —0

Mr. Little then offered the following amendment to the Bill, H. B. 3, as amended, to-wit:

AMENDMENT TO H. B. 3

Amend House Bill No. 3 Page 2 Line 12, by inserting after the word "bureau" the words

for a period of 104 days commencing on March 9, 1979.

And thereafter strike out all remaining lines in Section 1.

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs.	Figures	Little	Robertson	
Bailey	Goodwin	Martin	St. John	
Barron	Hall	McDonald	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Teague	
Clemon	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
deGraffenried	Kirkland	Proctor	White	
Denton	Lemaster			—33

Nays: —0

On motion of Mr. Robertson, said Bill, H. B. 3, was postponed temporarily by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 8. To amend Section 34-3-16, Code of Alabama 1975, which provides for the annual meeting of the state bar and for election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Also:

H. 9. To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

Also:

H. 11. To amend Section 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Messrs. Robertson, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White filed the following Senate Resolution, to-wit:

S. R. 16. COMMENDING W. R. LANIER, 33RD PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION, ON BEING HONORED AS ALABAMA CATTLEMAN OF THE YEAR.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. White, further consideration of the Bill, H. B. 7, was indefinitely postponed by the Senate.

FURTHER CONSIDERATION OF H.B. 3

The Senate proceeded to further consideration of the Bill, H. B. 3, as amended.

On motion of Mr. Little, further consideration of the Bill, H. B. 3, as amended, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Also:

S. 5. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers and to provide for the continued employment of certain existing employees of such welcoming centers.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO STUDY THE FINANCIAL NEEDS OF THE STATE DOCKS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee of the Legislature to study the long-range financial needs of the State Docks. The committee shall be composed of the members of the Senate Committee on Commerce, Transportation and Utilities and the House Committee on Commerce and Transportation. The Chairman of the Senate Committee on Commerce, Transportation and Utilities shall be Chairman of the Committee and shall set the schedule and program of committee work. The Chairman of the Committee may employ such clerical and technical assistance as the committee may find necessary in performing its duty. Members of the committee shall receive the regular per diem pay and allowances and mileage for each day spent on committee business. The expenses of the committee shall be paid from funds appropriated to the use of the Legislature provided that the expenses other than the expenses provided the members shall not exceed \$2,500. The committee shall report its findings and recommendations to the Legislature no later than the fifth legislative day of the Regular Session and then shall stand dissolved.

Which was read and referred to the Standing Committee on Rules.

Messrs. Robertson, deGraffenried and Cook filed the following Senate Resolution, to-wit:

S. R. 18. CONGRATULATING THE TUSCALOOSA COUNTY HIGH SCHOOL WILDCATS ON THEIR PARTICIPATION IN THE STATE 4A FOOTBALL CHAMPIONSHIP PLAY OFFS.

RECESS

At 12:05 P.M., on motion of Mr. Smith, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. TO SUPPLEMENT ACT NO. 84, H. J. R. 126, 1976 REGULAR SESSION, WHICH CREATES THE BOARD OF CORRECTIONS MANAGEMENT AND EVALUATION COMMITTEE, SO AS TO INCREASE THE MEMBERSHIP ON SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the board of corrections management and evaluation committee created by Act No. 84, H. J. R. 126, 1976 Regular Session (Acts 1976, p. 84), shall be composed of 8 members, 2 of which shall be ex-officio and 6 of which shall be appointed, 3 each to be appointed by the President of the Senate and the Speaker of the House, who shall both serve as the ex-officio members.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Joint Resolution:

H. J. R. 29. PROVIDING FOR A LEGISLATIVE DELEGATION TO ACCOMPANY ALABAMA FARMERS TO WASHINGTON, D.C. DURING THE WEEK OF FEBRUARY 4-10, 1979.

And requests a Committee of Conference, and the Speaker of the House has named as the Committee of Conference on the part of the House:

Holley, Smith (C), and Wyatt.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Joint Resolution, H. J. R. 29, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Harrison, Goodwin and St. John.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with amendments, to-wit:

S. J. R. 17. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO STUDY THE FINANCIAL NEEDS OF THE STATE DOCKS.

The Standing Committee on Rules reported the following amendment to the Resolution, S. J. R. 17, to-wit:

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COMMITTEE AMENDMENT TO S. J. R. 17

Amend S. J. R. 17 by adding after the period on line 32 the following sentence: "Total expenditures shall not exceed \$7,000.00".

Which was adopted.

The Standing Committee on Rules then reported the following amendment to the Resolution, S. J. R. 17, as amended, to-wit:

COMMITTEE AMENDMENT TO S. J. R. 17

Amend S. J. R. 17 by striking after the period on line 22 the following, "The Chairman of the Committee may employ" and add in lieu thereof the following, "The Secretary of the Senate shall provide". And on line 28 insert a period after the word Legislature and strike the remainder of the sentence.

Which was adopted.

And on motion of Mr. Teague, said Resolution, S. J. R. 17, as thus amended, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 4. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their net taxable income for the preceding year was \$7,500 or less.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 12. RELATING TO MEMBERS OF COMMITTEES OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND THE COUNCIL OF STATE GOVERNMENTS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 13. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

Also:

S. J. R. 14. COMMENDING THE ROTARIAN GROUP STUDY EXCHANGE DELEGATION TO NEW SOUTH WALES, AUSTRALIA.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Also:

S. 5. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers and to provide for the continued employment of certain existing employees of such welcoming centers.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 19. RECREATING THE JOINT STUDY COMMITTEE ON AGRICULTURE.

Also:

H. J. R. 30. COMMENDING THE 1978 JACKSONVILLE STATE UNIVERSITY GAMECOCK FOOTBALL TEAM.

Also:

H. J. R. 34. MOURNING THE DEATH OF MRS. JOSIE KEY HOWARD.

Also:

H. J. R. 35. COMMENDING THE MOBILE, ALABAMA, PARTICIPANTS IN OUR STATE'S INAUGURAL EVENTS.

Also:

H. J. R. 39. HONORING MR. CECIL G. DAVIS, ASSOCIATE DIRECTOR—FIELD OPERATIONS, ALABAMA COOPERATIVE EXTENSION SERVICE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 40. DESIGNATING THE MUSEUM AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 19. TO SUPPLEMENT ACT NO. 84, H. J. R. 126, 1976 REGULAR SESSION, WHICH CREATES THE BOARD OF CORRECTIONS MANAGEMENT AND EVALUATION COMMITTEE, SO AS TO INCREASE THE MEMBERSHIP ON SAID COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Also:

H. 2. To amend Section 8 of Act No. 138 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama so as to provide further for the use and distribution of the proceeds of the bonds therein authorized to be issued.

Also:

H. 4. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their net taxable income for the preceding year was \$7,500 or less.

Also:

H. 5. To amend Section 41-21-1, Code of Alabama 1975, which provides for the distribution of sets of the state code, so as to provide further for the distribution to the legislature.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 12. RELATING TO MEMBERS OF COMMITTEES OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND THE COUNCIL OF STATE GOVERNMENTS.

Also:

S. J. R. 13. DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

Also:

S. J. R. 14. COMMENDING THE ROTARIAN GROUP STUDY EXCHANGE DELEGATION TO NEW SOUTH WALES, AUSTRALIA.

Also:

S. J. R. 19. TO SUPPLEMENT ACT NO. 84, H. J. R. 126, 1976 REGULAR SESSION, WHICH CREATES THE BOARD OF CORRECTIONS MANAGEMENT AND EVALUATION COMMITTEE, SO AS TO INCREASE THE MEMBERSHIP ON SAID COMMITTEE.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 2

S. J. R. 4

S. J. R. 5

Delivered to the Governor, January 22, 1979, at 2:25 P.M.

S. J. R. 6

Delivered to the Governor, January 24, 1979, at 9:20 A.M.

S. B. 2

S. B. 3

S. J. R. 9

S. J. R. 10

S. J. R. 11

Delivered to the Governor, January 24, 1979, at 12 o'clock noon.

S. B. 1

S. B. 5

S. J. R. 12

S. J. R. 13

S. J. R. 14

S. J. R. 19

Delivered to the Governor, January 24, 1979, at 2:50 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fourth and Fifth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Fourth and Fifth Legislative Days were approved by the Senate.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Cook, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE
Secretary of Senate

IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE
FIRST EXTRAORDINARY SESSION, 1979
LOBBYIST REGISTRATION

(In accordance with the provisions of Joint Rules of the two houses of the
Alabama Legislature, Rules 15-23)

Argo, J. Knox, American Insurance Company; Tobacco Institute; Motion
Picture Company of America; Blue Cross-Blue Shield

Bagley, R. B., Joint Leg. Com., A.A.R.P. & N.R.T.A.

Bailey, George F., Alabama Railroad Association

Brindley, Joe, University of Montevallo

Britton, James Judson, Alabama Chamber of Commerce

Brown, David C., University of North Alabama

Burrell, Richard J., Household Finance Corporation

Camp, Billy Joe, Self; Asbestos Workers Union; Hogan, Smith,
Alspaugh; Alabama Trial Lawyers Association

Carpenter, Joseph T., Alabama State Bar Association

Dakin, Milo, Alabama Consumer Finance Association

Dawkins II, Joe M., Office of Consumer Protection

de Lissovoy, Greg, National Council on Alcoholism

Farish, Edward S., Department of Conservation & Natural Resources

Gattis, Jr., James Edward, Alabama Education Association

Gray, James A., Alabama Road Builders Association, Inc.

Greene, John "Scotty", City of Birmingham

Hale, Morris Gresham, Mental Health

Hamilton, D. N., Alabama League of Municipalities; American Rec.
Insurance Association; Jim Walter Corporation; Clerks & Registrars Assoc.;
Graham Energy Assoc.

Holsenbeck, Dan, Auburn University in Montgomery

Horne, John, Alabama Rural Electric

Hubbert, Paul, Alabama Education Association

Jetton, Bruce, Alabama Trial Lawyers Association

Johnston, J. Reese, Jr., Jefferson County

Kennedy, Deborah P., Alabama Education Association

King, William Carl, Alabama Institute for the Deaf and Blind

Knipe, William A., Self

Lawley, William R., Alabama Asphalt Paving Association

Lowden, James E., Alabama Christian Education Association

McDonald, Charles, Alabama Retail Association

McMillan, Harry, Alabama Bancorporation

Parker, William G., Alabama Education Association

Parsons, Milton K., Alabama Farm Bureau Federation

Pouncy, W. T., Brotherhood of Maintenance of Way Employees

Powell, Jerry A., Jr., Alabama Hospital Association

Prier, Claude S., Fraternal Order of Police

Rane, A. J. "Tony", Alabama Travel Council; Alabama Hotel and Motel Association

Sharpless, Oscar, Association of County Commissions of Alabama

Shumaker, Stephen R., Alabama Education Association

Smith, John jr., Municipal Electric Utility Association

Smith, Walter Clifford, II, Alabama Chamber of Commerce

Vaughan, Howard, Liberty National Life Insurance Co.

Wasson, Don F., Alabama Mining Institute

Watkins, John F., Alabama League of Municipalities

Watts, Laura, AARP/NRTA Joint State Legislative Committee

Williams, Jimmy J., Montgomery Firefighters'

Worthy, Mildred J., Alabama Education Association

ROSTER OF THE SENATE OF ALABAMA**1979**

George D. H. McMillan, Jr., <i>Lieutenant Governor</i>	State Capitol, Montgomery
Finis St. John, <i>President Pro-Tem</i>	Cullman
McDOWELL LEE, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
First Senatorial District	
Bobby Denton	413 Highway 43 South, Tusculumbia 35674
Second Senatorial District	
Charlie Britnell	Northwest Alabama State Junior College, Phil Campbell 35851
Third Senatorial District	
Charles B. Martin	P. O. Box 2204, Decatur 35602
Fourth Senatorial District	
Finis St. John	P. O. Drawer K, Cullman 35055
Fifth Senatorial District	
Robert (Bob) Hall	2601 Carson Road, Birmingham 35215
Sixth Senatorial District	
Albert McDonald	Route 1, Madison 35758
Seventh Senatorial District	
Bill Smith	Suite 410, Central Bank Building, Huntsville 35801
Eighth Senatorial District	
James Lemaster	Route 2, Box 228, Scottsboro 35768
Ninth Senatorial District	
Hinton Mitchem	P. O. Box 297, Albertville 35950
Tenth Senatorial District	
Larry H. Keener	816 Chestnut St., Gadsden 35901
Eleventh Senatorial District	
Dewey White	P. O. Box 7685A, Birmingham 35223
Twelfth Senatorial District	
Paschal P. "Pat" Vacca	929-30 Frank Nelson Bldg., Birmingham 35203
Thirteenth Senatorial District	
J. Richmond Pearson	Citizens Federal Building, P. O. Box 11135, Birmingham 35202
Fourteenth Senatorial District	
Mac Parsons	621 ity Federal Building, Birmingham 35203
Fifteenth Senatorial District	
U. W. Clemon	Suite 1600, 2121 Building, Birmingham 35214
Sixteenth Senatorial District	
Ryan deGraffenried, Jr.	P. O. Box 2427, Tuscaloosa 35401

Seventeenth Senatorial District	
Doug Cook	P. O. Box 6223-A, Tarrant 35217
Eighteenth Senatorial District	
Lister Hill Proctor	121 North Norton Ave., Sylacauga 35150
Nineteenth Senatorial District	
John A. Teague	P. O. Box 427, Childersburg 35044
Twentieth Senatorial District	
Donald G. Holmes	1915 Robinhood Dr., Oxford 36203
Twenty-first Senatorial District	
T. D. "Ted" Litle	P. O. Box 342, Auburn 36830
Twenty-second Senatorial District	
G. J. "Dutch" Higginbotham	2602 Savage Drive, Phenix City 36867
Twenty-third Senatorial District	
Mike Weeks	510 Park Street, Troy 36081
Twenty-fourth Senatorial District	
Chip Bailey	P. O. Box 6791, Dothan 36302
Twenty-fifth Senatorial District	
Wallace Miller	100j4 No. Main, Enterprise 36330
Twenty-sixth Senatorial District	
Don Harrison	516 S. Perry St., Montgomery 36104
Twenty-seventh Senatorial District	
Bishop N. Barron	P. O. Box 221, Montgomery 36104
Twenty-eighth Senatorial District	
Cordy Taylor	P. O. Box 596, 839 S. Memorial Drive, Prattville 36067
Twenty-ninth Senatorial District	
Earl Goodwin	P. O. Box 886, Selma 36701
Thirtieth Senatorial District	
Edward D. "Big Ed" Robertson	P. O. Box 331, Northport 35476
Thirty-first Senatorial District	
Reo Kirkland, Jr.	P. O. Box 646, 102 St. Joseph, Brewton 36426
Thirty-second Senatorial District	
Robert I. "Bob" Gullede	P. O. Box 429, Robertsdale 36567
Thirty-third Senatorial District	
Michael A. Figures	1407 Davis Avenue, Mobile 36603
Thirty-fourth Senatorial District	
H. L. "Sonny" Callahan	P. O. Box 1208, Mobile 36601
Thirty-fifth Senatorial District	
Bob Glass	State Legislative Office, 602 Belair Blvd., Suite 17, Mobile 36606

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1979**

FINANCE AND TAXATION

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, deGraffenried, Denton, Glass, Rulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

RULES

McDonald, Chairman; Harrison, Vice-Chairman; Clemon, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY

Clemon, Chairman; deGraffenried, Vice-Chairman; Barron, Britnell, Cook, Figures, Harrison, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

GOVERNMENTAL AFFAIRS

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gullledge, Hall, Holmes, Lemaster, Parsons, Pearson, Proctor.

AGRICULTURE, CONSERVATION AND FORESTRY

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gullledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Cook, Figures, Glass, Harrison, Little, Weeks.

EDUCATION

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Keener, Little, Taylor, White.

HEALTH AND WELFARE

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

BANKING AND INSURANCE

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gullledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague, Chairman; Callahan, Vice-Chairman; Clemon, Goodwin, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Clemon, Cook, Parsons, Pearson, Proctor, White.

STANDING COMMITTEE ASSIGNMENTS**FOR 1979****ALABAMA STATE SENATE****24th District**

CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

27th District

BISHOP N. BARRON—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

2nd District

CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

34th District

H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

15th District

U. W. CLEMON—Chairman, Judiciary; Rules; Commerce, Transportation and Utilities; Local Legislation No. 2.

17th District

DOUG COOK—Judiciary; Governmental Affairs; Business and Labor Relations; Banking and Insurance; Local Legislation No. 2.

16th District

RYAN deGRAFFENRIED, JR.—Vice-Chairman, Judiciary; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

1st District

BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

33rd District

MICHAEL A. FIGURES—Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

35th District

BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

29th District

EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

32nd District

ROBERT I "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

5th District

ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Education.

31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Governmental Affairs; Local Legislation No. 2.

18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Judiciary; Banking and Insurance.

12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

11th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

HOUSE OF REPRESENTATIVES

FIRST EXTRAORDINARY SESSION 1979

ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66
 H. H. "Bill" Adams, 30
 Robert E. Albright, 20
 John E. Amari, 34
 Park Barton, 46
 Ann Bedsole, 101
 Jim Bennett, 37
 Jack Biddle, III, 35
 A. J. Blake, 56
 Hugh Boles, 42
 William C. "Bill" Bowling, 11

Carl C. Brakefield, 12
 James E. Buskey, 99
 W. J. "Bill" Cabaniss, Jr., 31
 James M. Campbell, 59
 Joe R. Carothers, Jr., 71
 Tommy Carter, 16
 Eric O. Cates, Jr., 84
 Earl Cheatwood, 14
 George N. Clark, 88
 Wayne Cobb, 5
 Tom C. Coburn, 3

- Steve Cooley, 10
Gary Cooper, 103
(Resigned February 4, 1979)
W. F. "Noopie" Cosby, Jr., 85
Bobby C. Crow, 58
Gene Daniels, 73
Gerald O. Dial, 60
Larry D. Dixon, 81
Bill Drinkard, 29
William D. Edwards, 83
Joe M. Ford, 28
Robert C. "Bob" Gafford, 33
Charles T. Gilmer, 6
J. W. "Joe" Goodwin, 4
Lynn Greer, 1
Richard Gregg, 19
George H. Grimsley, 70
E. A. Grouby, Jr., 82
Albert Hall, 22
Seth Hammett, 75
Taylor F. Harper, 105
A. L. "Tony" Harrison, 44
Bob Harvey, 27
Earl F. Hilliard, 45
L. Brooks Hines, 91
Jimmy W. Holley, 74
Alvin Holmes, 80
William Fred Horn, 39
Asbury Howard, 49
Ronald E. Jackson, 38
Ronald G. Johnson, 54
Roy W. Johnson, Jr., 47
Phillip "Phil" B. Kelley, 26
Cain J. Kennedy, 98
Richard Laird, 61
Charles D. Langford, 77
S. R. "Sam" Letson, 7
M. Duane Lewis, 50
Joe C. McCorquodale, Jr., 92
Bob McKee, 79
John M. McMillan, Jr., 95
Richard S. "Rick" Manley, 87
Preston "Mann" Minus, Jr., 90
Earl Mitchell, 89
Sonny Moore, Jr., 52
Alvis Naramore, 13
C. Howard Nevett, 41
J. Fred Olive, II, 40
Walter Owens, 48
V. M. Parker, 97
Robert Elliott "Bob" Patton, 8
Arthur Payne, 15
Leigh Pegues, 86
Walter E. Penry, Jr., 94
T. Euclid Rains, Sr., 25
James E. Ray, 68
Thomas Reed, 67
Frank Riddick, 18
Tommy Ed Roberts, 9
J. Thomas Sandusky, 100
James G. Sasser, 69
George Seibels, 32
Eldon Sharpe, 62
Cecil Shavers, 23
Wallace Shoemaker, 55
Curtis Smith, 53
James P. Smith, 17
Martha Jo Smith, 21
Nelson R. Starkey, Jr., 2
George Stewart, 104
J. David Stout, 24
Hoyt W. Trammell, 36
Jerome Tucker, 43
J. E. Turner, 96
Pete Turnham, 63
Jack B. Venable, 76
J. T. "Jabo" Waggoner, Jr., 51
Shelby Dean Ward, 64
J. E. "Jimmy" Warren, 93
Charles W. Whatley, 65
R. Nolan Williams, 72
Gerald Willis, 57
Cecil Wyatt, 78
Mary S. Zoghby, 102
-

ROSTER
HOUSE OF REPRESENTATIVES
OF ALABAMA, 1979
FIRST EXTRAORDINARY SESSION

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY
Speaker Pro-Tem, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Lynn Greer	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. "Bob" Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 402, Cullman 35055
11	CULLMAN, WINSTON	W. C. "Bill" Bowling	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549
13	WALKER	Alvis Naramore	Rt. 10, Jasper 35501

- 14 JEFFERSON, BLOUNT
Earl Cheatwood Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON
Arthur Payne 2825 2nd St., N.W., Birmingham 35215
- 16 LIMESTONE
Tommy Carter Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON
James P. (Jim) Smith 108 South Side Square*
Huntsville 35801*
- 18 MADISON
Frank H. Riddick 7804 Lauderdale Rd., S.W., Huntsville 35802
- 19 MADISON
Richard Gregg 4007 Nelson Dr., Huntsville 35810
- 20 MADISON
Robert E. Albright 2024 Stanhope Dr., N.E.,
Huntsville 35811
- 21 MADISON
Martha Jo Smith 1700 Big Cove Rd., S.E., Huntsville 35801
- 22 MADISON, JACKSON
Albert Hall P. O. Box 275, Gurley 35748
- 23 JACKSON
Cecil Shavers Jackson County Court House,
Scottsboro 35768
- 24 JACKSON, DeKALB
J. David Stout Rt. 7, Fort Payne 35967
- 25 DeKALB, MARSHALL
T. Euclid Rains, Sr., Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL
Phillip B. (Phil) Kelley Rt. 2, Box 486, Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL
Bob Harvey Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH
Joe Ford 117 Arcade St. E., Gadsden 35903
- 29 ETOWAH
Bill Drinkard P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE
H. H. (Bill) Adams Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON
W. J. (Bill) Cabaniss P. O. Box 57032, Birmingham 35209
- 32 JEFFERSON
George Seibels 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON
Robert C. "Bob" Gafford ... 5345 Division Ave., Birmingham 35212

- 34 JEFFERSON
John E. Amari 9636 Parkway E., Birmingham 35215
- 35 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON
Hoyt W. Trammell Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON
Jim Bennett Dept. of Public Affairs, B'ham Southern College,
800-8th Ave., West, Birmingham 35204
- 38 JEFFERSON
Ronald E. Jackson 1324 Elmwood St., Birmingham 35211
- 39 JEFFERSON
William Fred Horn 333 16th Ave. S.W., Birmingham 35211
- 40 JEFFERSON
J. Fred Olive, II 1612 27th St. W., Birmingham 35218
- 41 JEFFERSON
C. Howard Nevett 5028 Parkway Ave., Fairfield 35064
- 42 JEFFERSON
Hugh Boles 1036 Normandale Circle, Hueytown 35020
- 43 JEFFERSON
Jerome Tucker 1603 N. 34th Ave., Birmingham 35207
- 44 JEFFERSON
A. L. (Tony) Harrison 1630 4th Ave., No., Birmingham 35203
- 45 JEFFERSON
Earl F. Hilliard P. O. Box 11385, Birmingham 35202
- 46 TUSCALOOSA
Park Barton P. O. Box 338, Tuscaloosa 35401
- 47 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th St., N.E., Tuscaloosa 35401
- 48 TUSCALOOSA, BIBB
Walter Owens 107 Court Sq. West, Centreville 35042
- 49 TUSCALOOSA, JEFFERSON
Asbury Howard 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON
M. Duane Lewis 732 Castlewood Dr., Bessemer 35020
- 51 JEFFERSON, SHELBY
J. T. "Jabo" Waggoner, Jr. .. 1829 Mission Rd., Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA
Sonny Moore, Jr. P. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY
Curtis Smith Rt. 3, Box 118, Clanton 35045

- 54 COOSA, TALLADEGA
Ronald G. Johnson Hobson Plaza Pharmacy,
Sylacauga 35150
- 55 TALLADEGA
Wallace Shoemaker 15 Cliff Rd., Childersburg 35044
- 56 ST. CLAIR, CALHOUN
A. J. Blake Rt. 1, Box 206A, Pell City 35125
- 57 CALHOUN
Gerald Willis Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN
Bobby C. Crow Rt. 10, Box 842, Anniston 36201
- 59 CALHOUN
James M. Campbell P. O. Box 2003, Anniston 36202
- 60 CLAY, CLEBURNE, TALLADEGA
Gerald O. Dial Box 275, Lineville 36266
- 61 RANDOLPH, CHAMBERS
Richard Laird Bonner Dr., Roanoke 36274
- 62 TALLAPOOSA, CHAMBERS
Eldon Sharpe 304 So. Broadmax, Dadeville 36853
- 63 TALLAPOOSA, LEE, CHAMBERS
Pete Turnham P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE
Shelby Dean Ward P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR
Charles W. Whatley Rt. 5, Box 296, Opelika 36801
- 66 RUSSELL
Charles Adams P. O. Box 967, Phenix City 36867
- 67 MACON, BULLOCK
Thomas Reed Drawer EE, Tuskegee Institute, Tuskegee 36088
- 68 PIKE, COFFEE, BULLOCK, BARBOUR
James E. Ray 104 Woodland Circle, Troy 36081
- 69 DALE, BARBOUR, HENRY
James G. Sasser 1208 Skipperville Rd., Ozark 36360
- 70 HOUSTON, HENRY, BARBOUR
George H. Grimsley Rt. 1, Columbia 36319
- 71 HOUSTON
Joe Carothers, Jr. Rt. 8, Box 33, Dothan 36301
- 72 DALE
R. Nolan Williams Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON
Gene Daniels Rt. 2, Box 207, Samson 36477
- 74 COVINGTON, COFFEE
Jimmy W. Holley Rt. 3, Box 191 E, Elba 36323
- 75 COVINGTON
Seth Hammett P. O. Box 1418, Andalusia 36420

- 76 **ELMORE**
Jack B. Venable P. O. Box 736, Tallassee 36078
- 77 **MONTGOMERY**
Charles D. Langford 352 Dexter Ave., Montgomery 36104
- 78 **MONTGOMERY, CRENSHAW**
Cecil Wyatt P. O. Box 1, Ramer 36069
- 79 **MONTGOMERY**
Bob McKee P. O. Box 424, Montgomery 36102
- 80 **MONTGOMERY**
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 81 **MONTGOMERY**
Larry Dixon Jackson Hospital Foundation,
1235 Forest Ave., Montgomery 36106
- 82 **MONTGOMERY, AUTAUGA, ELMORE, LOWNDES**
E. A. Grouby, Jr. P. O. Box 188, Prattville 36067
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1979

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, APRIL 17, 1979



VOL. 1
WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

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9. A Senate bill numerical index, with short titles; and
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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1979**

FIRST LEGISLATIVE DAY

TUESDAY, APRIL 17, 1979

This being the third Tuesday in April, A.D., 1979, and the day fixed by Act No. 23, First Special Session, 1979, and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend William Douglas O'Brian, Pastor, North Highland Baptist Church, Hueytown, Alabama.

ROLL CALL

Present:

Messrs.	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Reps. Cobb, Gilmer and Hall.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Figures, Barron and Britnell.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on April 17, 1979 for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Reps. Turnham, Ward and Whatley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. McDonald offered the following amendment to the House Joint Resolution, H. J. R. 3, set out in the foregoing Message from the House, to-wit:

REGULAR SESSION
1st Day

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AMENDMENT TO H. J. R. 3

Amend H. J. R. 3 Page 1 Line 8, by striking the word "two" and substitute "three"

Which was adopted.

And said Resolution, H. J. R. 3, as thus amended, was then concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Denton, Cook and Smith.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Mr. Cook:

S. 1. To amend further section 40-18-15, Code of Alabama 1975, relating to the income tax deductions for individuals, so as to allow a deduction for the cost of purchasing and installing certain energy-saving devices in structures.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 3. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 4. To exempt the Our Lady of Angels Monastery, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 5. To provide for the licensing of histotechnologists; to establish an Alabama Board of Examiners for Histotechnologists; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees and to provide penalty for violation of this act.

Committee on Health and Welfare.

By Mr. Vacca:

S. 6. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 7. To provide for a driver's license, a chauffeur's license, a motorcycle license, and to prescribe the manner of test therefor, and to authorize the Director of Public Safety to issue said licenses.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Cook:

S. 8. Relating to crimes and offenses; prohibiting the giving of false information, falsely reporting a crime, or making a false allegation against a law enforcement officer; prescribing penalties.

Committee on Judiciary.

By Mr. Cook:

S. 9. Relating to crimes and offenses; prohibiting the wearing of a law enforcement type uniform by persons other than full time law enforcement officers; and prescribing penalties therefor.

Committee on Judiciary.

By Mr. Vacca:

S. 10. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 11. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

Committee on Finance and Taxation.

By Messrs. Martin and Gullledge:

S. 12. To provide for equalization of the maximum rate of interest permitted to be charged by State banks with the maximum rate permitted by State law to be charged by any competing state chartered or licensed lending institution or by Federal law to any competing national bank.

Committee on Banking and Insurance.

By Mr. Gulledge:

S. 13. To further amend Sections 10-4-191 and 10-4-193 of the Code of Alabama 1975, which sections pertain to single tax cooperatives, associations or corporations, or other like mutual economic cooperatives, associations or corporations, so as to further provide for the organization and tax exemption of such cooperatives, associations, or corporations.

Committee on Finance and Taxation.

By Mr. Denton:

S. 14. To amend Section 28-3-266, Code of Alabama 1975 in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

Committee on Judiciary.

By Mr. Denton:

S. 15. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Committee on Banking and Insurance.

By Messrs. Gulledge, Denton, Mitchem, Proctor, Callahan, Miller, Teague and Goodwin:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Harrison and Taylor:

S. 17. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; establishing the Office of Consumer Protection and defining its duties; defining and prohibiting unlawful trade practices; providing for the promulgation of rules and regulations interpreting the Act; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Committee on Judiciary.

By Mr. Harrison:

S. 18. To provide that persons convicted three times for the illegal or unauthorized sale or distribution of drugs or controlled substances which is punishable as a felony under the criminal laws of this state shall be imprisoned for natural life without benefit of parole, probation, suspension of

sentence, or credit for good behavior; and to provide that the provisions of this Act shall apply exclusively where the offense is also punishable under other provisions of law.

Committee on Judiciary.

By Mr. Harrison:

S. 19. To provide that any person who uses a firearm in the commission or attempted commission of a felonious offense, and who is convicted of such offense, shall be denied eligibility for the "good time" commutation of sentencing as is provided by Sections 14-9-20 through 14-9-25, Code of Alabama 1975.

Committee on Judiciary.

By Mr. Harrison:

S. 20. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to further regulate such schools and courses of instruction and to provide for funding.

Committee on Education.

By Mr. Harrison:

S. 21. To amend § 6-5-410, Code of Alabama 1975, which relates to wrongful death actions by a personal representative of the deceased against a defendant tort-feasor or his personal representative and which provides for the recovery of damages awarded by a jury, so as to allow a court sitting without a jury to also award damages and to provide references for the jury's or court's use in determining the amount of damages.

Committee on Judiciary.

By Mr. Harrison:

S. 22. To amend Section 6-5-391, Code of Alabama 1975, relating to the death of a minor caused by a defendant tort-feasor's wrongful act, providing for the commencement of an action against said defendant by the decedent's parents or his personal representative within a certain period of time after the minor's death, and providing for the recovery of damages assessed and awarded by a jury, so as to allow a court sitting without a jury to also assess and award damages, and to provide references for the use of a jury or court in determining the amount of damages.

Committee on Judiciary.

By Mr. Harrison:

S. 23. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

Committee on Commerce, Transportation,
and Utilities.

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Britnell and Miller:

S. 24. To prescribe that the members of the House of Representatives and the Senate must pass the general fund budget bill and the special educational trust fund bill no later than the twenty-fifth legislative day or forfeit all legislative pay, in excess of that constitutionally guaranteed, and all expense allowances.

Committee on Rules.

By Mr. Denton (with notice and proof):

S. 25. Relating to Lauderdale County; authorizing nighttime hunting of racoons and opossums under certain conditions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 25, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Martin, Lemaster, and Gulledge:

S. 26. To provide that individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or licensed lending institution having its principal place of business in Alabama; and to provide that the provisions hereof are cumulative.

Committee on Banking and Insurance.

By Mr. Martin:

S. 27. To amend Section 37-3-4 of the 1975 Code of Alabama so as to exempt motor vehicles carrying any road building materials including crushed stone and plant mix, but not including sand and gravel, from the regulations prescribed and governed by the Public Service Commission.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Martin:

S. 28. To exempt the Garden Club of Alabama, Inc., a non-profit organization, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Martin:

S. 29. To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

Committee on Commerce, Transportation,
and Utilities.

By Mr. St. John:

S. 30. To repeal section 12-1-6, Code of Alabama 1975, which relates to a procedure by which the Secretary of the Senate and the Clerk of the House of Representatives are required to notify the administrative director of courts of certain legislation pertaining to the judiciary.

Committee on Judiciary.

By Messrs. St. John and deGraffenried:

S. 31. To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships from maintaining any action, suit, or proceeding until after registration; establishing an effective date.

Committee on Judiciary.

By Mr. St. John:

S. 32. To amend Act No. 408 of the Regular Session, 1977 to further prescribe, authorize and regulate investments of life, disability and burial insurance companies by authorizing investment in certain type of mortgage loan up to one hundred percent of value under certain conditions.

Committee on Banking and Insurance.

By Mr. St. John:

S. 33. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

Committee on Banking and Insurance.

By Mr. McDonald (with notice and proof):

S. 34. Relating to Madison County; to provide further for the compensation of the members of the county board of equalization by authorizing the Madison County commission to provide certain county salary supplements for such members.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 34, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (with notice and proof):

S. 35. Relating to Madison County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Committee on Local Legislation No. 1.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 35, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald:

S. 36. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and nondriver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 37. To further amend Section 32-5-31 of the Code of Alabama 1975, as amended, which pertains to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn left from one-way streets onto a one-way street on a red traffic signal.

Committee on Judiciary.

By Mr. McDonald:

S. 38. To amend Section 26-4-145, Code of Alabama 1975, so as to permit a ward's property to be sold without advertising or with limited advertising in certain instances.

Committee on Judiciary.

By Mr. McDonald (with notice and proof):

S. 39. Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other publicly owned cemeteries; and repealing conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 39, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Smith, St. John, McDonald, Mitchem, Miller, Holmes, Taylor, Clemon, Little, Gulledge, Martin, Lemaster, Higginbotham, deGraffenried, Teague, and Bailey:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Mitchem, Miller and Kirkland:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem, Miller and Kirkland:

S. 42. To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem, Miller and Kirkland:

S. 43. Relating to the membership of the State Board of Agriculture and Industries; to amend §§ 2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem, Miller and Kirkland:

S. 44. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and Kirkland:

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and Kirkland:

S. 46. To amend Section 8-15-3 of the Code of Alabama 1975 so as to increase the annual filing or permit fee from \$5.00 to \$25.00 required to be

paid to the Commissioner of Agriculture and Industries by persons operating a public warehouse.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and Kirkland:

S. 47. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and Kirkland:

S. 48. To amend Title 2, Section 2-21-24 of the Code of Alabama 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem, Miller and Kirkland:

S. 49. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to \$10.00.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Keener, Mitchem, Smith, Denton, Gulledge, deGraffenried, Harrison, Kirkland, St. John, and Parsons:

S. 50. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; and providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violations of this Act; and repealing all laws that conflict with this Act.

Committee on Judiciary.

By Mr. White:

S. 51. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the

termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Committee on Finance and Taxation.

By Messrs. White, Kirkland, Goodwin, Barron, Weeks, Callahan, Higginbotham, St. John, Cook, Proctor, and McDonald

S. 52. To repeal Sections 39-4-1—39-4-18, Code of Alabama 1975 which provides for the payment of the prevailing minimum wages under public works projects.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Cook, Vacca and Parsons:

S. 53. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. White, Kirkland, Mitchem, Teague, Gullledge, Robertson, deGraffenried, Britnell, Denton, Keener, Holmes, Callahan, Weeks, Higginbotham, Miller, Little, Lemaster, Martin, Clemon, St. John, Cook, Hall, Figures, Vacca, Bailey, Proctor, Smith, and McDonald:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the Legislature as herein provided.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Pearson:

S. 55. To create the Private Colleges and Universities Facilities Authority; to authorize the Authority to acquire, construct and equip self-liquidating Projects consisting of educational facilities for lease or sale to private institutions of higher education; to confer powers and impose duties on the Authority; to provide for the appointment of members of the Authority; to authorize the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; to provide that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; to make such revenue bonds legal investments and to provide that any revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and to fix the venue for jurisdiction of actions relating to any provisions of this Act.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 56. To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section and so as to add to the classes of revenues that may be so pledged revenues from airports and other revenues producing facilities.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor, (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 59. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 60. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978; may be transferred between and among line items.

Committee on Finance and Taxation.

By Mr. Parsons (with notice and proof):

S. 61. To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population

of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 61, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Parsons and Kirkland:

S. 62. To provide for the repeal of Section 32-1-2, Code of Alabama, 1975, otherwise known as the "Guest Statute."

Committee on Judiciary.

By Messrs. Clemon and Robertson:

S. 63. To prohibit certain persons from obtaining or attempting to obtain releases of liability or statements from persons who have suffered an occupation related injury, or from the immediate family of deceased or incompetent persons who have suffered such an injury, within fifteen days from the date of the occurrence causing the injury; and to prohibit the use of such releases and statements as evidence in any court.

Committee on Judiciary.

By Messrs. deGraffenried, St. John, Clemon, Keener, Proctor, Kirkland, and Parsons:

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama 1975.

Committee on Judiciary.

By Messrs. deGraffenried and Robertson:

S. 65. To exempt the Junior League of Tuscaloosa, Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. St. John:

S. 66. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Committee on Health and Welfare.

By Mr. Cook:

S. 67. To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relate to security protection for certain constitutional officers and others, so as to require the director of public safety to designate personal security officers for the constitutional officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

Committee on Governmental Affairs.

By Mr. Cook:

S. 68. To require the department of archives and history to remain open seven days a week for research and tourists.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Cook:

S. 69. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Committee on Finance and Taxation.

By Mr. Cook (with notice and proof):

S. 70. Relating to Jefferson County; to prohibit the false personation of a peace officer and to provide a penalty therefor.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 70, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook (with notice and proof):

S. 71. To repeal Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county."

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 71, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook:

S. 72. To provide further for the election of the directors of any water-works board incorporated under Title 11, Chapter 50, Article 9, Code of Alabama 1975, which serves three or more counties.

Committee on Local Legislation No. 2.

By Messrs. Cook and Vacca (with notice and proof):

S. 73. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 73, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Proctor:

S. 74. To provide for privileged communications with clergymen.

Committee on Judiciary.

By Messrs. Proctor and Kirkland:

S. 75. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers, owners of said property and/or bystanders.

Committee on Judiciary.

By Messrs. Proctor, Teague, Goodwin, Vacca, Little, Cook, Mitchem, Parsons, deGraffenried, St. John, and Kirkland:

S. 76. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

Committee on Education.

By Mr. Teague:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

Committee on Governmental Affairs.

By Mr. Teague:

S. 78. To amend Section 37-8-113 of the Code of Alabama 1975, relating to the duties of the superintendent of a railroad so as to require that all locomotives are operated on the right-hand side of the railroad line when leaving the initial home terminal and to provide penalties for violations.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 79. To require railroads to construct and maintain certain walkways for the safety of employees; to authorize the Public Service Commission to enforce the provisions of this Act and prescribe procedures thereof.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 80. Relating to the retaining of attorneys in Workmen's Compensation cases, and to attorney fees and costs awarded in Workmen's Compensation cases; amending Section 25-5-90, Code of Alabama, 1975, as last amended, to provide for the retaining of an attorney and for the award of reasonable attorney fees in addition to the compensation paid to the workmen or dependents and to provide that certain expenses of litigation shall be taxed as costs.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

Committee on Banking and Insurance.

By Mr. Teague:

S. 82. To amend Act No. 372, S. 362, Regular Session, 1976, which requires every municipality in the state to provide a civil service/merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system so as to include counties and their Deputy Sheriffs under the merit system, setting up population and years they are to become effective, and setting up appointment authority of the Board.

Committee on Judiciary.

By Mr. Teague:

S. 83. To provide for a guaranteed minimum starting wage or salary for deputy sheriffs employed by any county of this state.

Committee on Finance and Taxation.

By Mr. Teague:

S. 84. To provide Hazardous Duty increment or supplement in the amount of \$100.00 per month to each sworn full time, regularly employed state, county, or municipal police officer, who has been certified by the Peace Officer Standards and Training Commission of the State of Alabama, as a peace officer.

Committee on Finance and Taxation.

By Mr. Teague:

S. 85. To provide for a guaranteed minimum starting wage or salary for all law enforcement statements employed by any municipality in this state.

Committee on Finance and Taxation.

By Mr. Teague:

S. 86. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Committee on Banking and Insurance.

By Mr. Little:

S. 87. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Finance and Taxation.

By Mr. Little:

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

Committee on Banking and Insurance.

By Mr. Little:

S. 89. To amend Section 34-15-4 Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Committee on Health and Welfare.

By Mr. Little:

S. 90. To amend the Code of Alabama 1975, Section 43-3-1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Committee on Judiciary.

By Mr. Little:

S. 91. To require the use of plain language in certain consumer contracts and to provide penalties for failing to follow said requirements.

Committee on Judiciary.

By Mr. Little:

S. 92. To provide for a 20% discount on utility bills for persons 62 years of age or older.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 93. To amend Section 348 of Act No. 194, H. 324, 1935 Regular Session (Acts of 1935, page 256; now appearing in Section 170 of Article 4, Chapter 17, Title 40, Code of Alabama 1975), entitled "Definitions"; so as to broaden the application of the tax.

Committee on Finance and Taxation.

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By Mr. Higginbotham:

S. 94. To provide for compliance by savings and loan associations with regulations of the Federal Home Loan Bank Board which require that no loan on the security of a savings account may be made at a rate of interest that is less than one percent per annum in excess of the rate of return payable on any such account.

Committee on Banking and Insurance.

By Messrs. Higginbotham and Callahan:

S. 95. To amend further Section 12-3-34, Code of Alabama 1975, relating to the Alabama Court of Criminal Appeals' authority to hire certain personnel, so as to change the designation of the position of "stenographer" to "confidential assistant".

Committee on Judiciary.

By Mr. Weeks (with notice and proof):

S. 96. To provide for and create the Henry County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county and on the question of whether the act will become effective in the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 96, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Weeks, Miller, and Bailey:

S. 97. To exempt the Charles Henderson Child Health Center of Troy, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 98. To amend Section 2-29-1 of the Code of Alabama 1975 so as to include floricultural products and nursery products in the definition of "farm products"; to amend Sections 40-17-100, 40-23-4 and 40-23-62 as each was last amended, and 40-23-37 of said code relating to state sales and use tax exemptions, discounts and refunds so as to provide such exemptions, discounts and refunds for nurserymen, horticulturists and floriculturists to the same extent as they are provided for farmers and to provide retroactive effect to January 1, 1979.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 99. To amend Sections 32-7-5 and 32-7-6, Code of Alabama 1975, so as to change the instances when accident reports for property damage must be filed under the Motor Vehicle Safety Responsibility Act.

Committee on Judiciary.

By Mr. Weeks:

S. 100. To amend Sections 1 and 2 of Act No. 370, S. 279, Legislature of Alabama of 1976, approved August 23, 1976, entitled "An Act to amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled 'An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts and for other purposes,' which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts." and to provide a new Standard Nonforfeiture Law for individual deferred annuities.

Committee on Banking and Insurance.

By Messrs. Bailey and Higginbotham:

S. 101. To provide that the State of Alabama shall be a party to the "Tri-Rivers Waterway Compact"; to enact the Compact into law; to specify purpose; to provide that the Tri-Rivers Waterway Commission is an agency of the party states; to provide for membership on the commission; to provide for organization; to provide for funding; to specify duties; to provide for staff; to provide for withdrawal; to provide for cooperation; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Barron, Harrison, Teague, Goodwin, Keener, and Taylor:

S. 102. To make a supplemental appropriation out of the general fund of the state treasury, for the fiscal year ending September 30, 1979, to the Coosa-Alabama River Development Association, for the purpose of promoting and developing the Coosa-Alabama River system.

Committee on Finance and Taxation.

By Mr. Barron:

S. 103. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1979, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Committee on Judiciary.

By Messrs. Barron and Pearson:

S. 104. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

Committee on Finance and Taxation.

By Messrs. Barron, Taylor, and Pearson:

S. 105. To provide a state income tax deduction for resident taxpayers for expenses for household and dependent care services necessary for gainful employment to be the same as that allowed for federal income tax purposes.

Committee on Finance and Taxation.

By Mr. Barron:

S. 106. To repeal Act No. 679, S. 601, Regular Session 1978 (Acts of Alabama 1978, p. 983) entitled, "An Act To provide salary increases for certain state employees, and to appropriate funds therefor."

Committee on Finance and Taxation.

By Mr. Barron:

S. 107. To provide that retiring conservation law enforcement officers of the department of conservation and natural resources may keep their pistols and badges, and certain other equipment, as a retirement benefit, and to make this act retroactively effective to October 1, 1978.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Vacca:

S. 108. To provide that the state salary payable to clerks and registers of the circuit court and to clerks of the district court shall, in no event, be less than a minimum of Twelve Hundred Dollars (\$1,200.00) per annum more than the state salary of the highest paid classified employee in such clerk's or register's office; to provide an effective date.

Committee on Finance and Taxation.

By Messrs. Goodwin and White:

S. 109. To establish a statute of limitations for any action brought against a manufacturer or seller of any manufactured product for the recovery of damages for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or properly instruct with respect to such product; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this Act, and to provide the manner in which this bill shall become law.

Committee on Judiciary.

By Messrs. Goodwin and White:

S. 110. To abolish rights of action for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or to properly instruct with respect to such product where such personal injury, death, or property damage is sustained or aggravated more than six (6) years after the manufactured product was purchased or otherwise obtained for use by a consumer; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Messrs. Goodwin and White:

S. 111. To define certain terms as used in this Act; to exclude certain evidence from actions against manufacturers and sellers arising out of personal injury, death, or property damage allegedly due to defects in a manufactured product; to exclude evidence of advancements in the state of the art in such actions; to exclude evidence of changes made subsequent to an injury, death, or property damage in a product which is the subject of an action against a manufacturer or seller of any similar product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Messrs. Goodwin and White:

S. 112. To define certain terms as used in this Act; to provide certain defenses to the liability of manufacturers and sellers in actions arising out of personal injury, death, or property damage allegedly due to defects in manufactured products; to establish a defense of subsequent alteration or modification of manufactured products; to establish a defense of manufacture of a product in accordance with the general state of the art; to establish a defense of manufacture of a product in accordance with applicable statutory or administrative regulations; to establish a defense of failure of any person to exercise reasonable prudence under the circumstance in the use of a manufactured product; to establish a defense of failure of an injured party to take reasonable safeguards, precautions, or actions in the use of a manufactured product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide for the manner in which this Act becomes law.

Committee on Judiciary.

By Mr. Goodwin:

S. 113. To amend Section 40-12-223, Code of Alabama 1975, relating to exemptions from tax levied on the leasing or renting of tangible personal

property, so as to provide further for the exemption of certain properties leased for use as a residence or dwelling place.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 114. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 115. To establish the Alabama Fire Service Training Academy at Craig Field, Selma, Alabama; to provide for the election and appointments of a Board of Directors and the duties, functions and authority of such Board; to make an appropriation from the Special Educational Trust Fund for the purposes of this act; and to repeal Chapter 59 of Title 16, Code of Alabama 1975, creating the State Fire College.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 116. To exempt certain specified charitable and community service organizations and corporations from all state, municipal and county sales, use and ad valorem taxes.

Committee on Finance and Taxation.

By Messrs. Kirkland and Proctor:

S. 117. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Committee on Judiciary.

By Messrs. Kirkland, Teague and Robertson:

S. 118. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund in the amount of \$10,000 to implement the provisions hereof.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 119. To provide for the annual issuance of auto tags; to provide that the auto tags be imprinted with numerals to designate the county of issuance; and to specifically repeal Section 32-6-50, Code of Alabama 1975.

Committee on Finance and Taxation.

By Messrs. Kirkland and Martin:

S. 120. To further regulate night hunting and taking of raccoons so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 121. To amend Section 14-10-1, Code of Alabama 1975, so as to require the Board of Corrections to discharge state convicts only in the county in which they were sentenced.

Committee on Judiciary.

By Messrs. Kirkland and Parsons:

S. 122. To provide for the cooperation and continuing legal education of attorneys who represent public school boards; to authorize public school boards to expend funds for such purposes.

Committee on Judiciary.

By Messrs. Kirkland and Mitchem:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

Committee on Judiciary.

By Messrs. Kirkland and Proctor:

S. 124. To amend Section 14-1-2, Code of Alabama 1975 so as to alter the composition of the Board of Corrections in order to provide that one member shall be a resident of Escambia County.

Committee on Judiciary.

By Messrs. Kirkland, Mitchem, and Proctor:

S. 125. To amend Section 32-2-26, Code of Alabama 1975, which allows state troopers and other law enforcement officers employed by the department of public safety to receive their badges and pistols as part of their retirement, so as to include state conservation officers employed by the department of conservation and natural resources, and to give this act retroactive effect.

Committee on Judiciary.

By Mr. Kirkland:

S. 126. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and general intangibles; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take

priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Committee on Judiciary.

By Mr. Gulledge:

S. 127. To amend Section 16-25-10.1, Code of Alabama 1975, which provides that employees of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System, so as to include employees of the Alabama Vocational Association.

Committee on Education.

By Mr. Callahan:

S. 128. To appropriate the sum of One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00) or so much thereof as may be necessary from the General Fund of the State to the Department of Conservation and Natural Resources, Division of State Parks, Monuments and Historical Sites, for the purpose of acquiring, by purchase or condemnation, approximately eight and one-half (8½) miles constituting the westernmost part of Dauphin Island, Mobile County, Alabama, and to authorize the use of any available federal matching funds as may be necessary for the purchase of said property, and to further provide that after purchase of said property by the State same may only be used for public park and recreational purposes as other Division of Parks' lands are managed.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 129. To exempt the Villa Mercy, A Corporation, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 130. To exempt the Allen Memorial Home, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 131. To exempt the Little Sisters of the Poor Home for the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 132. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 133. To exempt the Particular Council of Mobile Society of St. Vincent de Paul from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 134. To amend Section 40-18-15, Code of Alabama 1975, to allow as a deduction contributions made by individuals for themselves and others under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan, and for themselves, or spouse, to an individual retirement account, annuity or bond and, under simplified pension plans, to individual retirement accounts and annuities of employees, to further amend

Section 40-18-25, Code of Alabama 1975, to exempt from taxation the income (including capital gains) of certain employee benefit trusts forming part of a stock bonus, pension, profit-sharing, employee stock ownership or annuity plan which constitutes a qualified trust and of trusts providing for certain employee welfare plan benefits and of individual retirement income trusts and custodial accounts, and to provide for the "rollover" of distributions to and from such trusts and accounts; to amend Section 40-18-35, Code of Alabama 1975, to allow as a deduction contributions made by corporations (including professional corporations and professional associations) under a stock bonus, pension, profit-sharing, employee stock ownership or annuity plan which constitutes a qualified plan and, under simplified pension plans, to individual retirement accounts and annuities of employees; all as provided by the Internal Revenue Code of 1954 as amended and in force and effect to January 1, 1979 and for all taxable years of such individuals, trusts, accounts, and corporations beginning on and after the effective date of this Act to the extent such deductions, exemptions and "rollovers" are permitted by the Federal Income Tax Law as so amended.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 135. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 136. To authorize the department of revenue to design, issue and regulate the use of certain "temporary motor vehicle license tags"; to establish the selling price and issuance fee for such tags and to prescribe penalty for persons unlawfully using such tags.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 137. To provide further for the salary, compensation, expense allowances and certain rights, benefits or privileges of certain probate judges.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 138. To regulate the registration and identification of certain mobile homes.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Figures and Vacca:

S. 139. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and

services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

Committee on Judiciary.

By Mr. St. John:

S. 140. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of Forty Five Million Dollars (\$45,000,000.00) principal amount of general obligation bonds of the State for the acquisition, construction, equipment and improvement of mental health facilities, including: Thirty Five Million Dollars (\$35,000,000.00) for the acquisition by construction or otherwise of mental health facilities in Tuscaloosa County, Alabama to replace the existing hospital for the mentally ill known as Bryce Hospital, and to upgrade, improve, modernize and renovate other existing facilities for the mentally ill including the construction of additional buildings or the acquisition by purchase of existing buildings or facilities; and Ten Million Dollars (\$10,000,000.00) for acquisition, including purchase of existing buildings, construction, renovation or remodeling of state facilities for the treatment and care of the mentally retarded.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. St. John:

S. 141. To authorize the sale and issuance of Forty Five Million Dollars (\$45,000,000.00) principal amount of general obligation bonds of the State for the acquisition, construction, equipment and improvement of mental health facilities, including: Thirty Five Million Dollars (\$35,000,000.00) for the acquisition by construction or otherwise of mental health facilities in Tuscaloosa County, Alabama to replace the existing hospital for the mentally ill known as Bryce Hospital, and to upgrade, improve, modernize and renovate other existing facilities for the mentally ill including the construction of additional buildings or the acquisition by purchase of existing buildings or facilities; and Ten Million Dollars (\$10,000,000.00) for acquisition, including purchase of existing buildings, construction, renovation or remodeling of state facilities for the treatment and care of the mentally retarded.

Committee on Finance and Taxation.

By Messrs. Cook and Parsons:

S. 142. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

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By Messrs. Kirkland and Robertson:

S. 143. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

Committee on Judiciary.

By Messrs. Kirkland and Robertson:

S. 144. To amend Section 12-15-34 of the Code of Alabama 1975 relating to the transfer of cases from juvenile court to criminal court, so as to provide that where a juvenile has been previously transferred for criminal prosecution, such juvenile shall again be transferred for any subsequent charges of felonious acts.

Committee on Judiciary.

By Mr. Kirkland:

S. 145. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Committee on Judiciary.

By Mr. Kirkland:

S. 146. To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Mr. Cook:

S. 147. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Committee on Judiciary.

By Mr. Britnell:

S. 148. To direct Brewer State Junior College to continue its branch campus in Tuscaloosa; to direct such junior college to continue its recruitment and transportation policies and procedures in Pickens, Lamar, Fayette and Tuscaloosa Counties; and to provide that any monies appropriated or allocated to such junior college shall be expended for the purposes for which they were intended.

Committee on Education.

By Messrs. Cook, Goodwin, and White:

S. 149. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pickup trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama

1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate to process the replacement of mutilated and lost tags; and to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction. The Commissioner of the department of revenue is hereby granted broad rule making powers for the implementation of this act.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 150. To provide for a minimum salary for certain probate judges.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 151. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 1, 3, and 15 of Act. No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

Committee on Health and Welfare.

By Mr. Teague:

S. 152. To require the Alabama Public Library Service to Braille or tape record all proposed constitutional amendments and related information to be voted on and to distribute such to the blind and other handicapped adults prior to an election.

Committee on Governmental Affairs.

RESOLUTIONS

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. AMENDING S. J. R. 12 OF THE FIRST SPECIAL SESSION OF 1979, ACT NO. 49, RELATING TO MEMBERS OF COMMITTEES OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND THE COUNCIL OF STATE GOVERNMENTS.

Amend S. J. R. 12 of the First Special Session of 1979, Act No. 49, to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the legislature serving as a member and/or alternate of a committee of the National Conference of State Legislatures or The Council of State Governments who is not a member of the Legislative Council shall be entitled to the same compensation, expenses, and transportation allowances for attendance at meetings of such committee as members of the Legislative Council. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the legislature."

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMENDING MRS. EDITH CASSIE VAUGHAN.

WHEREAS, Mrs. Edith C. Vaughan is a native of Mobile County, Alabama, and is the daughter of the late William Cassie, who was a native of Scotland, and the late Martha Cassie, who was a native of Sweden; and

WHEREAS, She, when approximately 17 years of age, commenced working for the Probate Court of Mobile County where she remained for a period of 52 years, retiring from service in 1973 having served with eight different Probate Judges; and

WHEREAS, for several years she held the position of Chief Clerk of the Probate Court with primary responsibility of the judicial division where she met the responsibilities of that position with firmness, complete understanding and knowledge of the subject, yet at the same time with diplomacy; and

WHEREAS, she is held in high regard and esteem by the membership of the Mobile Bar Association for her knowledge and dedication to the legal system of this State; and

WHEREAS, She was named First Lady of Mobile in 1968 by a selection sponsored by the City Council of Beta Sigma Phi Sorority; and

WHEREAS, in 1972 the Alabama Probate Judges Association honored her by making her an Honorary Probate Judge in the State of Alabama by unanimous resolution; and

WHEREAS, She was elected as a member of the Mobile County Personnel Board on September 15, 1976, thus being the first woman to be elected to that Board. Said Board being responsible for over 4,000 public employees; and

WHEREAS, she was elected as chairperson of the Mobile County Personnel Board on April 5, 1977, and is currently serving in that capacity; and

WHEREAS, she was elected by the congregation to the Board of Deacons of the Government Street Presbyterian Church in 1977; and

WHEREAS, since retirement from the Probate Court in 1973 she has acted as an advisor and consultant to the Probate Court without reward or compensation;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we warmly commend Mrs. Vaughan for her outstanding leadership and guidance which she has so diligently provided to the People of Mobile County and the State of Alabama. Her untiring efforts and valuable services which she has so generously contributed are deeply appreciated. We commend her for setting an example for all citizens of this State.

RESOLVED FURTHER that a copy of this resolution be sent to Mrs. Edith C. Vaughan.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. White offered the following Senate Resolution, to-wit:

S. R. 3. URGING GOVERNOR JAMES TO NAME ALABAMA RESIDENTS TO ALL GENERAL OFFICES IN THE ALABAMA NATIONAL GUARD.

Which was adopted.

Mr. McDonald offered the following Senate Resolution, to-wit:

S. R. 4. MOURNING THE DEATH OF JOHN K. BOSECK, PROMINENT ALABAMA AGRICULTURAL RESEARCHER.

Which was adopted.

Messrs. St. John and Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO REIMBURSE THE SEPARATE STATES FOR THE COST OF FEDERALLY MANDATED PROGRAMS.

WHEREAS, the federal government of the United States, by actions of both the legislative branch and the executive branch, requires the states to implement new programs and provide increased levels of service under existing programs; and

WHEREAS, in order to implement new programs and provide increased levels of service as required by the federal government, the states must incur significant costs which must be paid for out of state revenues, existing or to be raised by the imposition of additional taxes; and

WHEREAS, there exists, throughout the United States, a growing resentment of the heavy burden of taxation and an active rejection of existing and proposed levels and methods of revenue raising; and

WHEREAS, the public outcry against taxation makes it increasingly difficult for the states to raise the revenues necessary to finance the programs and services which the states are required to provide by the federal government; and

WHEREAS, it is a matter of simple equity that a level of government which establishes programs or services in the public interest should provide the means for financing those programs and services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the State of Alabama respectfully memorializes the President and the Congress of the United States to undertake such actions as may be necessary to ensure that the federal government reimburses each state for all costs incurred with respect to implementing new programs or providing increased levels of service under existing programs pursuant to any law enacted by the United States Congress after January 1, 1980, or any executive order or regulation issued by the President of the United States after January 1, 1980.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President and Vice President of the United States, to the speaker of the House of Representatives, and to each Senator and Representative from Alabama in the Congress of the United States.

Which was read and referred to the Standing Committee on Rules.

Messrs. Gulledge, Callahan, Glass, Bailey, Barron, Britnell, Clemon, Cook, deGraffenried, Denton, Goodwin, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson. St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Resolution, to-wit:

S. R. 6. COMMENDING SENATOR MICHAEL FIGURES, MOBILE'S OUTSTANDING YOUNG MAN OF THE YEAR.

Which was adopted.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 7. COMMENDING MR. M. F. POWELL FOR MERITORIOUS SERVICE AS COMMISSIONER FOR ESCAMBIA COUNTY.

Which was adopted.

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1979 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the direction of the United States Congress during the next four years is of utmost importance to the members of the Legislature of Alabama and to all citizens of our State; and

WHEREAS, among many areas of direct bearing on our State is the planned use of federal funds in Alabama which would substantially affect our appropriation and utilization of state revenues; and

WHEREAS, cooperation between the Congress and our State Legislature is not only desirable, but is vitally necessary for maximum achievement by this body in the best interest of the State of Alabama and its citizenry; and

WHEREAS, our representatives in Washington, with insight and understanding of the problems facing our nation, the Southeast and our State, are in a position to advise and inform that we might better and more wisely assume the leadership for which we were elected for the next four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request the Alabama Congressional Delegation to attend and address the 1979 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby requested to inform our representatives in Washington, by copies of this resolution, of our invitation, and of our respectful request that, following conference among themselves, we be notified as to when they will be available to speak.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Taylor and Goodwin offered the following Senate Resolution, to-wit:

S. R. 9. HONORING MR. MILTON JONES UPON HIS RETIREMENT AS TAX COLLECTOR FOR AUTAUGA COUNTY.

Which was adopted.

Mr. Taylor offered the following Senate Resolution, to-wit:

S. R. 10. CONGRATULATING AND COMMENDING THE SOUTH BUTLER ACADEMY RAIDERS, STATE FOOTBALL 1A CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Which was adopted.

Mr. Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. TO REPEAL ACT NO. 974, H. J. R. 166, REGULAR SESSION 1973, NAMING THE COOSA RIVER BRIDGE ON HIGHWAY 77 AT SOUTHSIDE, ALABAMA AFTER STATE SENATOR RICHARD MALONE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 974, H. J. R. 166, approved September 5, 1973, Regular Session 1973, naming the Coosa River Bridge on Highway 77 at Southside, Alabama after State Senator Richard Malone, is expressly repealed.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. CREATING A JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO STUDY THE FINANCIAL NEEDS OF THE STATE DOCKS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee of the Legislature to study the long-range financial needs of the State Docks. The committee shall be composed of the members of the Senate Committee on Commerce, Transportation and Utilities and the House Committee on Commerce and Transportation. The Chairman of the Senate Committee on Commerce, Transportation and Utilities shall be Chairman of the Committee and shall set the schedule and program of committee work. The Secretary of the Senate shall provide such clerical and technical assistance as the committee may find necessary in performing its duty. Members of the committee shall receive the regular per diem pay and allowances and mileage for each day spent on committee business. The expenses of the committee shall be paid from funds appropriated to the use of the Legislature and total expenditures shall not exceed \$7,000.00. The committee shall report its findings and recommendations to the Legislature no later than the 25th legislative day of the Regular Session and then shall stand dissolved.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. White and Cook offered the following Senate Resolution, to-wit:

S. R. 13. EXPRESSING APPRECIATION AND COMMENDING MR. JOHN GUTHMILLER AND THE INDIAN SPRINGS GLEE CLUB.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Waggoner, and Hilliard:

H. J. R. 8. COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASKETBALL TEAM.

Also:

By Reps. Crow, Willis, Dial, Bennett, Campbell, and Blake:

H. J. R. 9. CONGRATULATING MISS DEBBIE LYNN WALLACE, 1979 ALABAMA TEXTILE QUEEN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 9, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION TO RECONSIDER

Mr. Little moved that the Senate reconsider the vote by which the Resolution, S. J. R. 12, was adopted, and further moved that his motion to reconsider be postponed until the Senate reassembles after the Joint Session, which motion was adopted.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 54, First Special Session 1979, the report of the Joint Interim Committee to study a new Constitution was filed with the Secretary.

MOTION TO ADJOURN

Mr. St. John moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 19, 1979, at 10 o'clock A.M., which motion was adopted.

RECESS

At 2:10 P.M., Mr. St. John moved that the Senate take a recess until 6:15 this evening which motion was adopted.

NIGHT SESSION
FIRST LEGISLATIVE DAY
TUESDAY, APRIL 17, 1979

The Senate reassembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel Leslie E. Whitehead to the rank of Brigadier General in the Alabama Air National Guard.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

Colonel Leslie E. Whitehead has been promoted to the rank of Brigadier General.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and referred to the Standing Committee on Rules.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 512, 1976 Regular Session, Mr. Pearson, Co-Chairman of the Alabama Sunset Review Committee, filed the following report with the Secretary, to-wit:

REPORT OF RECOMMENDATIONS
ALABAMA SUNSET REVIEW COMMITTEE

APRIL 17, 1979

The Sunset Review Committee has reviewed the operations of the following state agencies which are scheduled for termination on October 1, 1979, as pursuant to the Alabama Sunset Law: Department of Civil Defense, Civil Defense Advisory Council, Regional Planning Boards, State Safety Coordinating Committee, Alabama Criminal Justice Information Center Commission, Supervisory Board of Alabama L. E. P. A., Alabama Law Enforcement Planning Agency, Department of Public Safety, Armory Commission, Alabama State Guard, Military Advisory Board, State Military Department, Pardons and Paroles Board, Department of Toxicology and Criminal Investigation, Board of Veterans' Affairs, Department of Veterans' Affairs, Department of Conservation, Advisory Board of the Department of Conservation, Alabama State Docks, Alabama Surface Mining Reclamation Commission.

The Committee recommends continuance for all agencies reviewed except the:

1. Civil Defense Advisory Council. Reason: The agency has ceased to function.
2. Military Advisory Board. Reason: The Agency has ceased to exist, in that board members were never appointed.

Secondly, the Sunset Committee recommends that the Alabama State Guard and the Armory Commission be placed under the control of the State Military Department.

The Committee also recommends the termination of the Board of Corrections. However, we also recommend that legislation be considered to place the Department under the control of the Governor.

Which was read and ordered spread upon the Journal of the Senate.

JOINT SESSION

At 6:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Fob James.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the chair and delivered his address to the Legislature of Alabama.

(See House Journal for the Message of the Governor.)

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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FURTHER CONSIDERATION OF S. J. R. 12

The Senate proceeded to further consideration of the Resolution, S. J. R. 12. The question was on the motion of Mr. Little that the Senate reconsider the vote by which said Resolution was adopted, which motion was adopted, and the Senate did reconsider said vote.

Mr. Little requested that the Resolution, S. J. R. 12, be referred to the Standing Committee on Finance and Taxation, whereupon the President and Presiding Officer of the Senate ordered said Resolution referred to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dial:

H. J. R. 24. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative study commission to study the state income tax structure. The committee shall consist of three members of the House and two members of the Senate appointed by the presiding officer of each body. The chairman of the committee shall be selected from among the members. The committee shall make a study of the state income tax structure and inquire into the way and means of improving the state income tax structure. The committee shall report its findings to the Legislature not later than the twentieth legislative day of the 1979 Regular Session, and shall thereupon stand dissolved. The members of the committee shall not receive any additional compensation for service on the committee. The Clerk of the House shall furnish the committee with a clerk and any other necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature.

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
1st Day

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HOUSE MESSAGE

The Resolution, H. J. R. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 7:26 P.M., in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, April 19, 1979, at 10 o'clock A.M.

SECOND LEGISLATIVE DAY

THURSDAY, APRIL 19, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Howard Todd, Associate Minister, Lakewood Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon and Teague for today.

UNANIMOUS CONSENT GRANTED

Mr. St. John requested and received unanimous consent that the names of Messrs. deGraffenried, Goodwin and Robertson be added as co-sponsors of the Bills, S. B.'s 140 and 141.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener:

S. 153. To amend Sections 16-24-7, 16-24-10, and 16-24-36, Code of Alabama, 1975, relating to hearings before the Alabama State Tenure Commission.

Committee on Education.

By Mr. Keener:

S. 154. To amend Section 25-5-77, Code of Alabama 1975, relating to the state workmen's compensation law so as to provide further for the extension of medical benefits, the choice of physicians, the payment for medical services, and the furnishing of medical reports.

Committee on Business and Labor Relations.

By Mr. St. John:

S. 155. To amend Sections 30-2-50, 30-2-51, and 30-2-31 of the Code of Alabama 1975, relating to divorce proceedings, so as to further provide for the granting of alimony or certain allowances to either party in divorce proceedings and the circumstances to be considered; and to repeal Section 30-2-52 and Section 30-2-53 of the Code of Alabama 1975.

Committee on Judiciary.

By Mr. St. John:

S. 156. To amend Section 12-17-140, Code of Alabama 1975, so as to provide that any clerk or register of the circuit court who has met the requirements of sub-paragraph (1) of said Section 12-17-140, may become a supernumerary clerk or register regardless of the age of such clerk or register at the time of becoming permanently unable to carry out the duties of the office on a full-time basis.

Committee on Judiciary.

By Mr. Holmes:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

Committee on Finance and Taxation.

By Mr. Parsons:

S. 158. To require group health insurance policies and contracts to provide benefits for the care and treatment of alcoholism in licensed or certified programs.

Committee on Banking and Insurance.

By Mr. Weeks:

S. 159. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Committee on Banking and Insurance.

By Mr. Taylor:

S. 160. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Committee on Education.

By Mr. Taylor:

S. 161. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Committee on Education.

By Mr. Taylor:

S. 162. To amend Section 16-9-2, Code of Alabama, 1975, relating to the general qualifications of the county superintendent of education.

Committee on Education.

By Mr. Goodwin:

S. 163. To amend Section 16-25-19, Code of Alabama, 1975, relating to the general administration and board of trustees of the Teachers' Retirement System.

Committee on Education.

By Messrs. Kirkland and Mitchem:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

Committee on Agriculture, Conservation, and Forestry.

By Messrs. Kirkland and Mitchem:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Callahan:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

Committee on Agriculture, Conservation, and Forestry.

By Mr. Callahan:

S. 167. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System Act and State Employees' Retirement System.

Committee on Governmental Affairs.

By Mr. Callahan:

S. 168. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Committee on Judiciary.

By Mr. Pearson:

S. 170. To provide that any citizen of this State who donates, without charge, a pint of blood to the American Red Cross or other non-profit blood collecting organization or agency shall be entitled to take a deduction for a charitable contribution therefor in computing his State Income Tax, not to exceed a total deduction of \$100.00 in any one calendar year; and for other purposes.

Committee on Finance and Taxation.

By Mr. Cook:

S. 171. To amend Section 5-19-1(3), Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Committee on Banking and Insurance.

By Mr. Cook:

S. 172. To provide for the establishment of service territories for electric suppliers within the State; to provide procedures for determining which electric supplier shall serve various customers located within municipalities; to provide for the purchase of certain electric facilities located within certain municipalities by the primary electric supplier within any such municipality from other electric suppliers serving within such municipality; to provide procedures for determining which electric supplier shall serve the various

electric customers located in territory outside the corporate limits of any municipality; to provide procedures for the arbitration of those disputes which this act provides shall be arbitrated; to provide that nothing in this act shall be construed to infringe upon the police powers of the various municipalities or upon the right of any municipality to control the use of its streets, avenues, alleys or other public places; to provide certain exemptions from the provision of this act; to provide that if any part of this act is held to be unlawful or unconstitutional the part that remains shall not be affected; and to provide for the repeal of all laws or parts of laws which conflict with the provisions of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 173. To amend Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement.

Committee on Governmental Affairs.

By Mr. Keener:

S. 174. To amend Code of Alabama 1975, §§16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

Committee on Education.

By Messrs. White, Callahan and Kirkland:

S. 175. To make an appropriation to the various public school systems of the state for the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools.

Committee on Finance and Taxation.

By Messrs. Kirkland, White and Mitchem:

S. 176. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Kirkland and Robertson:

S. 177. To amend sections 12-15-1, 12-15-32, 12-15-71, and 44-1-2 of the Code of Alabama 1975, relating to juvenile proceedings and youth services, so as to revise the age of juveniles.

Committee on Judiciary.

By Messrs. Kirkland, Mitchem and Miller:

S. 178. To amend Section 9-3-5, Code of Alabama 1975 so as to authorize the State Forester to hire forest law enforcement officers; to prescribe the duties of such officers.

Committee on Agriculture, Conservation,
and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 2. Relating to appointment of a committee of three members of the House and two members of the Senate to notify the Governor that the Legislature is in session and ready for transaction of business.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 8. COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASKETBALL TEAM.

Also:

H. J. R. 9. CONGRATULATING MISS DEBBIE LYNN WALLACE, 1979 ALABAMA TEXTILE QUEEN.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 67. To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relates to security protection for certain constitutional officers and others, so as to require the director of public safety to designate personal

security officers for the constitutional officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 66. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

By Messrs. Martin, Lemaster, and Gullledge:

S. 26. To provide that individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or licensed lending institution having its principal place of business in Alabama; and to provide that the provisions hereof are cumulative.

By Mr. Higginbotham:

S. 94. To provide for compliance by savings and loan associations with regulations of the Federal Home Loan Bank Board which require that no loan on the security of a savings account may be made at a rate of interest that is less than one percent per annum in excess of the rate of return payable on any such account.

By Mr. Weeks:

S. 100. To amend Sections 1 and 2 of Act No. 370, S. 279, Legislature of Alabama of 1976, approved August 23, 1976, entitled "An Act to amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled 'An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies,

societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts and for other purposes,' which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts;" and to provide a new Standard Nonforfeiture Law for individual deferred annuities.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Gullledge, Denton, Mitchem, Proctor, Callahan, Miller, Teague and Goodwin:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

By Messrs. White, Kirkland, Mitchem, Teague, Gullledge, Robertson, deGraffenried, Britnell, Denton, Keener, Holmes, Callahan, Weeks, Higginbotham, Miller, Little, Lemaster, Martin, Clemon, St. John, Cook, Hall, Figures, Vacca, Bailey, Proctor, Smith, and McDonald:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

By Mr. Callahan:

S. 132. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

By Mr. Callahan:

S. 135. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

COMMUNICATION FROM THE
DEPARTMENT OF ARCHIVES AND HISTORY

April 6, 1979

The Honorable the Senate
State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

On August 17, 1978, the Board of Trustees of the Archives and History Department elected The Right Rev. Oscar H. Lipscomb as Trustee for the 1st Congressional District for a six-year term ending December, 1984.

On behalf of the Board of Trustees I request the confirmation of Msgr. Lipscomb's election.

Very respectfully,
MILO B. HOWARD, JR.,
Secretary, Board of Trustees.

COMMUNICATION RECEIVED

The foregoing communication from the Department of Archives and History was read and referred to the Standing Committee on Rules.

COMMUNICATION FROM THE
DEPARTMENT OF ARCHIVES AND HISTORY

April 6, 1979

The Honorable the Senate
State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

On August 17, 1978, the Board of Trustees of the Archives and History Department elected the Honorable Sidney McDonald as Trustee for the 4th Congressional District for a six-year term ending December 1984.

On behalf of the Board of Trustees I request the confirmation of Mr. McDonald's election.

Very respectfully,
MILO B. HOWARD, JR.,
Secretary, Board of Trustees.

COMMUNICATION RECEIVED

The foregoing communication from the Department of Archives and History was read and referred to the Standing Committee on Rules.

COMMUNICATION FROM THE
DEPARTMENT OF ARCHIVES AND HISTORY

April 6, 1979

The Honorable the Senate
State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

On August 17, 1978, the Board of Trustees of the Archives and History Department elected Mr. William Mitchell as Trustee for the 5th Congressional District for a six-year term ending December, 1984.

On behalf of the Board of Trustees I request the confirmation of Mr. Mitchell's election.

Very respectfully,
MILO B. HOWARD, JR.,
Secretary, Board of Trustees.

COMMUNICATION RECEIVED

The foregoing communication from the Department of Archives and History was read and referred to the Standing Committee on Rules.

COMMUNICATION FROM THE
DEPARTMENT OF ARCHIVES AND HISTORY

April 6, 1979

The Honorable the Senate
State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

On August 17, 1978, the Board of Trustees of the Archives and History Department elected James E. Simpson as Trustee for the 6th Congressional District for the term expiring December 31, 1984.

On behalf of the Board of Trustees I request the confirmation of Mr. Simpson's election.

Very respectfully,
MILO B. HOWARD, JR.,
Secretary, Board of Trustees.

COMMUNICATION RECEIVED

The foregoing communication from the Department of Archives and History was read and referred to the Standing Committee on Rules.

REPORT OF THE STATE JUDICIAL
COMPENSATION COMMISSION

The Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama hereby files its report with the Alabama Legislature within the first five (5) calendar days of the 1979 regular session as is provided by said section of the Constitution.

The Commission has met and carefully considered what recommendations it should make to this Legislature relative to the salaries to be paid the Judges of this State from the State Treasury, except Probate Judges and Municipal Judges as it is charged with doing by the Judicial Article of the State Constitution heretofore adopted.

The Commission, after studying the Judicial structure of other States, finds that the Appellate Court Judges of the State of Alabama are among the lowest paid Judges (ranking thirty-second in the Nation) as reported by the National Center of State Courts' Survey of Judicial Salaries as of July, 1978.

The Commission finds that the Circuit Court Judges of our State rank forty-eighth in salary nationally and are the lowest paid in the Southeast. That the Circuit Court Judges have had only one ten percent (10%) raise since 1973.

The newness of the District Court compels the Commission to recommend that a reasonable compensation be awarded District Court Judges in order to attract capable lawyers to seek this office.

Alabama has been fortunate, in the past, in attracting the finest legal minds to its Judicial family. We feel that it is imperative that a reasonable compensation be paid to continue this high standard.

THEREFORE, we recommend to the Legislature as follows:

a. The salary of the Chief Justice of the Supreme Court of Alabama shall be \$47,500.00 annually and the salary of each Associate Justice of the Supreme Court shall be \$47,000.00.

The Commission feels that since this is the highest Court and is the Court of last resort in this State, that its members should receive the highest compensation of the State Judiciary.

b. The salary of the Presiding Judges of the Courts of Civil and Criminal Appeals respectively shall be \$46,500.00 annually and the salary of the Associate Justices of those Courts shall be \$46,000.00 annually, paid from the State Treasury.

c. The salaries of the Judges of the Circuit Courts of the State shall be \$34,000.00 annually, paid from the State Treasury.

d. The salaries of the Judges of the District Court shall be ninety percent (90%) of the annual salary paid the Circuit Court Judges paid by the State Treasury.

ADOPTED by the affirmative vote of the below named members of the five member Judicial Compensation Commission, with one dissent, which is attached hereto and made a part hereof, by Elisha C. Poole.

CERTIFIED to the Secretary of the State of Alabama and submitted to the Legislature, all as of this 9 day of March, 1979.

J. Clewis Trucks.

O. D. Mason, Jr.

Boyd Whigham.

T. Massey Bedsole.

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DISSENT

I respectfully dissent.

As a member of the electorate, I am persuaded that when a man is elected to public office he accepts a fiduciary duty to execute that office to the best of his ability for the term for which he was elected at the rate of pay which was known to be in effect for the term for which he was elected. That appears to ask no more of an elected official than any other person who is employed for a fixed term to do a particular job for a stated amount. Perhaps, this argument would be less valid if pay were somehow based on quality of productivity and could be either raised or diminished during the term of office. But the Fathers of the Judicial Amendment were careful to see that even if a judge's pay was not raised, at least it could not be diminished during his term of office. See Constitution of Alabama, 1901, Amendment No. 328, 6.09 (d). If the judges are protected from the taxpayers against a cut in pay, are not the taxpayers entitled to be protected from the judges against a raise in pay?

As a citizen, I am concerned, as are most of my fellow Americans, about inflation, which I am convinced is brought about by excessive spending by all levels of government. People continuously bemoan this problem and wail that "they" should do something about it. But this time, the "they" is me. I am not one voter among thousands or millions. Rather, I am one Commissioner out of five and thus more so than ever responsible for any personal action which is detrimental to the economic interest of my country by increasing the cost of government and therefore increasing the rate of inflation.

For the reasons stated, I disagree with my brothers and recommend to the Legislature that the salary and expense allowance to be paid from the State Treasury for Appellate, Circuit and District Judges of this State remain unchanged.

Elisha C. Poole.

The foregoing report was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 27. TO AMEND ACT NO. 79-54, H. J. R. 3, 1979 FIRST SPECIAL SESSION, WHICH RELATES TO THE JOINT INTERIM COMMITTEE TO STUDY A NEW CONSTITUTION, SO AS TO PROVIDE FURTHER FOR THE ATTENDANCE AND COMPENSATION OF CERTAIN LEGISLATIVE MEMBERS AT MEETINGS OF SAID COMMITTEE; AND TO PROVIDE CUMULATIVE AND RETROACTIVE EFFECT TO THIS AMENDATORY RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 79-54, H. J. R. 3, 1979 Regular Session is hereby amended to read as follows:

"HOUSE JOINT RESOLUTION CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study all aspects of a new state constitution. The committee shall be composed of 34 members as follows: The Lt. Governor and 17 members of the Senate appointed by the Lt. Governor, and the Speaker of the House of Representatives and 15 members of the House of Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the committee and shall preside over the meetings of the committee. The committee shall meet upon the call of its chairmen.

"The committee shall study all aspects of a new constitution and shall report its findings, comments and suggestions to the Legislature on the first legislative day of the next special or regular session of the Legislature, on which date the committee hereby established shall automatically be terminated and shall have no further legal function or existence.

"The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. In addition, any other legislative member who attends any meeting of the committee shall be paid their regular legislative compensation for each day's attendance at any such meeting, upon the written approval of the Speaker of the House and Lt. Governor. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature."

The provisions of this amendatory resolution are curative, cumulative and retroactively effective to January 26, 1979. Any payments heretofore or hereafter made pursuant to this resolution are expressly ratified and confirmed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Moore, Waggoner, and Smith (C):

H. J. R. 30. NAMING COLUMBIANA ELEMENTARY SCHOOL IN COLUMBIANA, SHELBY COUNTY, ALABAMA, THE "ELVIN HILL ELEMENTARY SCHOOL."

WHEREAS, Mr. Elvin Hill of Columbiana, Alabama, served the educational needs of our state's youth for more than thirty years; his entire career was spent in Shelby County as first a teacher, a principal, and as Superintendent of Schools; and

WHEREAS, at the time of his retirement, in 1979 his was the longest tenure of any elected superintendent in the entire State of Alabama; and

WHEREAS, in other areas, Mr. Hill gave generously of his time, contributing immeasurably to the civic, religious and charitable affairs of his community, both through membership and active participation in numerous organizations and clubs of worthy purpose and cause; and

WHEREAS, it is both fitting and proper that an educator and citizen of such stature should be honored appropriately and commensurately to his extraordinary ability and selfless service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the Columbiana Elementary School, Shelby County, Alabama, the "Elvin Hill Elementary School."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate signs and markers so designating said school as the "Elvin Hill Elementary School."

RESOLVED FURTHER, That Mr. Hill be advised, by copy of this resolution, of this honorary designation in appreciation of dedicated service to his profession.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

ELECTION OF MEMBERS TO THE LEGISLATIVE COUNCIL

The Senate proceeded to the election of Senate members to the Legislative Council.

Mr. St. John placed in nomination the names of Messrs. Holmes, Little, Gullledge and Robertson.

On motion of Mr. St. John, nominations were closed and the roll was called on the election of the above nominees.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gullledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		

—29

Nays:

—0

And the President and Presiding Officer of the Senate announced that Messrs. Holmes, Little, Gullledge and Robertson were duly elected as members of the Legislative Council.

ELECTION OF MEMBERS TO THE
BUILDING COMMISSION

The Senate proceeded to the election of Senate members to the Building Commission.

Mr. St. John placed in nomination the names of Messrs. Denton, Mitchem, Callahan and Cook.

On motion of Mr. St. John, nominations were closed and the roll was called on the election of the above nominees.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Weeks
deGraffenried	Keener	Mitchem	White
Denton			—28

Nays:

—0

And the President and Presiding Officer of the Senate announced that Messrs. Denton, Mitchem, Callahan and Cook were duly elected as members to the Building Commission.

ELECTION OF MEMBERS TO THE
LEGISLATIVE COMMITTEE ON EXAMINERS
OF PUBLIC ACCOUNTS

The Senate proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Mr. St. John placed in nomination the names of Messrs. Martin, Kirkland, Barron, Taylor and Vacca.

On motion of Mr. St. John, nominations were closed and the roll was called on the election of the above nominees.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Cook	Harrison	Miller	Taylor
deGraffenried	Higginbotham	Mitchem	Weeks
Denton	Keener	Parsons	White
			—27

Nays:

—0

And the President and Presiding Officer of the Senate announced that Messrs. Martin, Kirkland, Barron, Taylor and Vacca were duly elected members of the Legislative Committee on Examiners of Public Accounts.

ELECTION OF MEMBERS TO THE
SUNSET REVIEW COMMITTEE

The Senate proceeded to the election of Senate members to the Sunset Review Committee.

Mr. St. John placed in nomination the names of Messrs. Miller and Parsons.

On motion of Mr. St. John, nominations were closed and the roll was called on the election of the above nominees.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Barron	Hall	Martin	Smith
Cook	Harrison	McDonald	Taylor
deGraffenried	Higginbotham	Miller	Weeks
Denton	Keener	Mitchem	White
Figures	Kirkland		—21

Nays: —0

And the President and Presiding Officer of the Senate announced that Messrs. Miller and Parsons were duly elected to the Sunset Review Committee.

RESOLUTION

Messrs. Figures, Gullodge and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. CREATING A JOINT COMMITTEE TO STUDY AVAILABILITY OF ADDITIONAL LEGISLATIVE OFFICE SPACE.

WHEREAS, there exists a serious shortage of office space for members and staff of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the availability and feasibility of acquiring additional office space for members of the legislature. The committee shall be composed of six members as follows: The Speaker of the House of Representatives shall select three House members and the Lieutenant Governor shall select three Senate members. The committee shall elect from among its members a chairman, and the committee shall meet upon the call of the chairman. The committee shall report its findings and suggestions to the legislature no later than the 20th legislative day of the 1979 regular session of the legislature. Upon reporting to the legislature, the committee hereby created shall be terminated.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Buckley:

H. J. R. 37. CREATING A JOINT COMMITTEE TO STUDY AVAILABILITY OF ADDITIONAL LEGISLATIVE OFFICE SPACE.

WHEREAS, there exists a serious shortage of office space for members and staff of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the availability and feasibility of acquiring additional office space for members of the legislature. The committee shall be composed of six members as follows: The Speaker of the House of Representatives shall select three House members and the Lieutenant Governor shall select three Senate members. The committee shall elect from among its members a chairman, and the committee shall meet upon the call of the chairman. The committee shall report its findings and suggestions to the legislature no later than the 20th legislative day of the 1979 regular session of the legislature. Upon reporting to the legislature, the committee hereby created shall be terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 37, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. ADVOCATING THE ELIMINATION OF THE STATUTE OF LIMITATIONS ON NAZI WAR CRIMINALS.

WHEREAS, it is a reprehensible policy that would assume that the moral obligation for the mass murder of over 11,000 innocent victims of the Holocaust can be eliminated by the passage of time; and

WHEREAS, the statute of limitations of the German Federal Republic relating to Nazi war criminals is scheduled to expire on December 31, 1979; and

WHEREAS, if said statute of limitations does expire, no investigation of murder, including genocide, committed by Nazi war criminals can be initiated after that date; and

WHEREAS, if said statute of limitations does expire, thousands of Nazi war criminals who were actively involved in the calculated and brutal murder of millions of innocent victims will be rewarded for having evaded justice; and

WHEREAS, crimes of lesser horror than genocide are subject to no statute of limitations either in Alabama or numerous other jurisdictions; and

WHEREAS, it is in the interest of all free people that new generations not be allowed to forget the dangers and consequences of the crime of genocide; and

WHEREAS, an international campaign to convince the German Federal Republic to eliminate or extend the current statute of limitations has been initiated by a broad base of concerned organizations and individuals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Government of the United States to urge the German Federal Republic and the legislators of that nation to abolish or extend to the end of this century the statute of limitations relating to Nazi war criminals.

BE IT FURTHER RESOLVED, That we also respectfully request that the President and the Secretary of State of the United States communicate the contents of this resolution on behalf of the people of the State of Alabama to the following national leaders of the West German Federal Republic: the President, the Chancellor, the Ambassador to the United States, the Chief Justice of the Supreme Court and the National Legislators.

RESOLVED FURTHER, That the Secretary of the Alabama Senate send copies of this resolution to the following United States Government officials: the President, the Secretary of State, the Speaker of the House of Representatives, the Majority Leader of the Senate, the Members of the National Security Council and all members of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Holmes offered the following Senate Resolution, to-wit:

S. R. 16. COMMENDING THE WALTER H. WELLBORN HIGH SCHOOL BAND FOR ITS PARTICIPATION IN THE 1979 INAUGURAL PARADE.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 29. COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE.

Also:

By Reps. Starkey, Greer, Coburn, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed,

Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 31. CONGRATULATING THE UNIVERSITY OF NORTH ALABAMA, NCAA DIVISION II NATIONAL BASKETBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 29, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 31, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. HONORING DR. PAUL YODER, DISTINGUISHED PROFESSOR OF MUSIC, TROY STATE UNIVERSITY.

WHEREAS, Dr. Paul Yoder, who is universally recognized as the world's most famous composer and arranger of band music, has written more than fourteen hundred arrangements and compositions during his distinguished career; and

WHEREAS, a graduate of the University of North Dakota with a Master of Music Degree from Northwestern University, he also holds an honorary Doctor of Music Degree from his North Dakota alma mater; in 1930 he became a public school teacher of instrumental music in Aurora, Illinois, and later directed the Central High School Band in Evansville, Indiana, resigning in 1936 to devote full time to composing and arranging music for school bands; and

WHEREAS, Dr. Paul Yoder has taught summer sessions at numerous colleges and universities throughout these United States and has traveled extensively, visiting bands in Europe and in the Far East; and

WHEREAS, known as the father of the band movement in Japan, he is an honorary member of the Japanese Band Directors Association and also is a vice-president of the International Band Organization known as CISPM, the Confederation International Society of Popular Music, which is primarily concerned with amateur band music in all its member nations; Dr. Yoder further is a past president of the American Bandmasters Association, originating both the ABA Research Center at the University of Maryland and the publication, Journal of Band Research, during his term as president; and

WHEREAS, it was in 1947 that Dr. Yoder first directed the Spring Music Festival at Troy State, returning several times as festival director until 1971 at which time he became a part-time member of the Music Faculty at the invitation of his good friend, Dr. John Long; he has since composed two

numbers especially for the University: "Hope for the Common Man," dedicated to Governor George C. Wallace, and "It's the Trojans," a fight song written for the famous "Sounds of the South" Marching Band; and

WHEREAS, Dr. Yoder now lives in Troy, having elected to become a permanent resident of that city; we are both grateful that an artist of such stature is associated with one of our fine state universities and extremely proud that he has chosen to make his home in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary ability and musical genius, we most highly commend Dr. Paul Yoder, Distinguished Professor of Music, Troy State University.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Yoder that he may know of our high praise, deep appreciation and esteem.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. St. John, Callahan, Kirkland, White, Goodwin, Martin, Mitchem, Robertson, Denton, Holmes, Britnell, deGraffenried, Higginbotham, Barron, Lemaster, Gulledge, Cook, Weeks, Miller and Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. REJECTING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN CONGRESS.

WHEREAS on August 22, 1978, the Congress of the United States of America adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"HOUSE JOINT RESOLUTION 554

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

WHEREAS in Article 1, Section 9 of the Constitution of the United States, the framers of the Constitution envisioned the site of the federal government as a district created by the cession of land from states and such district to be subject to the direct supervision of Congress; and

WHEREAS our Founding Fathers recognized a federal system with states, and not cities, as represented entities; and

WHEREAS the framers of the Constitution of the United States made the preeminence of the State clear when they drafted the Constitution; and

WHEREAS in Article 1, Section 3, the Constitution states that the Senate shall be composed of two Senators from each state and the Seventeenth Amendment reiterates this clause; and

WHEREAS the House of Representatives shall be composed of members chosen by the people of the several states according to Article 1, Section 2; and

WHEREAS the District of Columbia is a city lacking the essential elements of a sovereign state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the proposed amendment to the Constitution of the United States as herein shown is hereby rejected.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. DESIGNATING THE MUSEUM AND FINE ARTS BUILDING AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM AND FINE ARTS BUILDING"

WHEREAS, the ancestors of Thomas E. McMillan formerly owned and lived on the land where the Jefferson Davis State Junior College is now located in Brewton; and

WHEREAS, Thomas E. McMillan was a charter member and active trustee of the Escambia County Historical Society until his death; and

WHEREAS, Thomas E. McMillan received an award of merit from the Alabama Historical Commission in recognition of his efforts as a long-time preservationist and historian; and

WHEREAS, the Thomas E. McMillan estate has contributed a sizable sum to the Escambia County Historical Society for the purpose of helping build and support a museum and fine arts building to be established at Jefferson Davis State Junior College; and

WHEREAS, the Thomas E. McMillan family has an outstanding collection of artifacts and historical objects of museum quality that will be used as a nucleus of a fine historical museum at Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to perpetuate the memory of this generous man and his many contributions to his community and to Jefferson

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Davis State Junior College in particular, the museum and fine arts building established at Jefferson Davis State Junior College in Brewton shall be designated the "Thomas E. McMillan Museum and Fine Arts Building"

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to send copies of this resolution to the family of Thomas E. McMillan and to the President of Jefferson Davis State Junior College.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 27. TO AMEND ACT NO. 79-54, H. J. R. 3, 1979 FIRST SPECIAL SESSION, WHICH RELATES TO THE JOINT INTERIM COMMITTEE TO STUDY A NEW CONSTITUTION, SO AS TO PROVIDE FURTHER FOR THE ATTENDANCE AND COMPENSATION OF CERTAIN LEGISLATIVE MEMBERS AT MEETINGS OF SAID COMMITTEE; AND TO PROVIDE CUMULATIVE AND RETROACTIVE EFFECT TO THIS AMENDATORY RESOLUTION.

Also:

H. J. R. 30. NAMING COLUMBIANA ELEMENTARY SCHOOL IN COLUMBIANA, SHELBY COUNTY, ALABAMA, THE "ELVIN HILL ELEMENTARY SCHOOL."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Legislative Council:

Reps. Williams, Gafford, Moore, McMillan, Naramore and Dial.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Examiners of Public Accounts.

Reps. Payne, Warren, Pegues, Cobb and Cates.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Building Commission:

Reps. Sasser, Waggoner, Smith (C), and Carter.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 12:25 P.M., on motion of Mr. St. John, the Senate adjourned until Tuesday, April 24, 1979, at 2 o'clock P.M.

THIRD LEGISLATIVE DAY

TUESDAY, APRIL 24, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Ed Bowman, Pastor, Cloverdale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Weeks for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 29. COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE.

Also:

H. J. R. 31. CONGRATULATING THE UNIVERSITY OF NORTH ALABAMA, NCAA DIVISION II NATIONAL BASKETBALL CHAMPIONS.

Also:

H. J. R. 37. CREATING A JOINT COMMITTEE TO STUDY AVAILABILITY OF ADDITIONAL LEGISLATIVE OFFICE SPACE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 179. Relating to electors; to authorize incorporated municipalities to enter into contracts with boards of registrars to conduct a program of identification of registered electors residing within the corporate limits of the municipality; to require that such boards of registrars conduct an identification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes.

Committee on Governmental Affairs.

By Mr. Martin:

S. 180. To amend Section 40-12-21 of the Code of Alabama 1975 relating to license records to be kept by judges of probate or license commissioners so as to provide further for the keeping of such records.

Committee on Governmental Affairs.

By Mr. Denton (with notice and proof):

S. 181. Relating to Lauderdale County: to provide the fee which may be charged by the Judge of Probate for celebrating the rites of matrimony and authorizing him to retain such fee for his personal use.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 181, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Denton (with notice and proof):

S. 182. Relating to Lauderdale County: providing for an additional expense allowance for county commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 182, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Denton (with notice and proof):

S. 183. Relating to Lauderdale County: to provide further compensation and expense allowance for certain county officials.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 183, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca:

S. 184. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Proctor, Kirkland, Little, Higginbotham, St. John, Martin, Lemaster, Gulledge, Parsons, Figures, White, Cook, Goodwin, Denton, McDonald, Britnell, Keener, Holmes, Teague, Glass, Callahan, and Clemon:

S. 185. To amend Section 17-6-13, Code of Alabama 1975, which section provides for the compensation of county election officials, so as to provide further for the compensation of such officials.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Robertson:

S. 186. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified psychologist of this State notwithstanding any provisions of the policies or contracts to the contrary.

Committee on Health and Welfare.

By Messrs. Cook, Pearson, Parsons, Proctor, Denton, Smith, and Holmes:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

Committee on Governmental Affairs.

By Mr. Cook:

S. 188. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Committee on Governmental Affairs.

By Mr. Cook:

S. 189. To amend Section 41-16-100 of the Code of Alabama 1975 relating to the execution of certain public contracts for the sale of state-owned tangible property so as to exempt from disposition by public auction certain state college and university property which may be traded in on replacement property.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 190. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Cleburne County Board of Education for capital outlay purposes only for the construction and renovation of high schools in Cleburne County.

Committee on Finance and Taxation.

By Messrs. Holmes, White, Harrison, and Smith:

S. 191. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than \$20.00 nor more than \$50.00; amends Section 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$100.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$20.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$100.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$80.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00, by increasing the annual registration certificate fee to an amount not less than \$20.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$20.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$80.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$75.00 nor more than \$150.00.

Committee on Health and Welfare.

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By Mr. Teague:

S. 192. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of \$180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of \$500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to \$180,000.00 per year; and giving retroactive effect to October 1, 1978.

Committee on Finance and Taxation.

By Mr. Teague:

S. 193. To permit the Legislative Committee on Public Accounts to fix the salary from time to time of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

Committee on Finance and Taxation.

By Mr. Teague:

S. 194. To amend Section 37-2-81, Code of Alabama 1975, "Duty of locomotive engineer to ring bell or blow horn, etc.," to state and redefine the duties of a locomotive engineer in the operation of a locomotive to accord with and control modern railroad equipment and practices.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 195. To amend Section 40-12-253 of the Code of Alabama 1975, relating to ad valorem taxation of motor vehicles so as to provide further for the procedure for taxing such vehicles.

Committee on Finance and Taxation.

By Mr. Teague:

S. 196. To expend the membership of the Public Service Commission by providing for the appointment of additional members; to provide for the term of such members; to provide for the powers, duties and obligations of such members; and to provide an appropriation to implement the provisions of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 197. To require all of the rights, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

Committee on Finance and Taxation.

By Mr. Teague:

S. 198. To amend Section 37-2-81, Code of Alabama 1975, "Duty of locomotive engineer to ring bell or blow horn, etc.," to state and redefine the duties of a locomotive engineer in the operation of a locomotive to accord with and control modern railroad equipment and practices.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Kirkland, Proctor, and Clemon:

S. 199. To provide that contributory negligence shall not bar a recovery in a civil tort action; to institute the rule of comparative negligence.

Committee on Judiciary.

By Mr. Little (with notice and proof):

S. 200. Relating to Tallapoosa County; providing for an additional fee for a pistol permit or license in the county; providing for the disposition of the proceeds from such fees; repealing conflicting laws and specifically repealing Act No. 642, H. 1522, Regular Session 1975 (Acts 1975, p. 1398); and providing for its retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 200, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Little:

S. 201. To amend Section 2-2-14, Code of Alabama 1975 which invests cattle theft investigators with investigative and arrest powers, so as to include theft of horses and mules within the purview of the statute.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Little:

S. 202. To provide that there shall be three circuit judges in the fifth judicial circuit.

Committee on Finance and Taxation.

By Mr. Little:

S. 203. To commission certain retired employees from the department of conservation and natural resources with the same police powers and jurisdiction which they possessed while in active service subject to certain limitations and conditions.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Little:

S. 204. To amend Section 40-9-12, Code of Alabama 1975, so as to grant certain taxing and licensing exemptions to the East Alabama Services for the Elderly, Inc.

Committee on Finance and Taxation.

By Mr. Little:

S. 205. Relating to taxation; exempting the Auburn Heritage Association, Incorporated, a non-profit corporation, from the levy of all state, county, municipal and local sales tax and use tax.

Committee on Finance and Taxation.

By Mr. Little:

S. 206. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

Committee on Judiciary.

By Mr. Little:

S. 207. To create the Disaster Loan Fund, establish a board to administer said fund and to make certain appropriations for said fund.

Committee on Finance and Taxation.

By Mr. Little:

S. 208. Relating to taxation, exempting the American Diabetes Association, Alabama Affiliate, Inc., a non-profit corporation organized and existing under the laws of the State of Alabama, and its departments and agencies, for the levy of state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. Barron, Hall, Holmes, McDonald, and Taylor:

S. 209. To establish the state department of mental health as an executive and administrative department of the state in order to enable the Governor to exercise control over the mental health functions of the state; to convert the mental health board into an advisory board; to transfer the functions, duties, employees, appropriations, records and property of the mental health board to the department of mental health.

Committee on Governmental Affairs.

By Messrs. Goodwin and White:

S. 210. To define certain terms as used in this Act; to provide certain defenses to the liability of manufacturers and sellers in actions arising out of personal injury, death, or property damage allegedly due to defects in manufactured products; to establish a defense of subsequent alteration or modification of manufactured products; to establish a defense of manufacture of a product in accordance with the general state of the art; to establish a defense of manufacture of a product in accordance with applicable statutory or administrative regulations; to establish a defense of failure of any person to

exercise reasonable prudence under the circumstance in the use of a manufactured product; to establish a defense of failure of an injured party to take reasonable safeguards, precautions, or actions in the use of a manufactured product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide for the manner in which this Act becomes law.

Committee on Judiciary.

By Messrs. Figures and Clemon:

S. 211. To abolish the death penalty; to prescribe life imprisonment without parole as the maximum punishment for any felony; to amend Sections 13-11-1 through 13-11-4 of the Code of Alabama of 1975, which sections relate to: The death penalty and crimes committed under aggravating circumstances, the maximum punishment authorized and the mitigating circumstances allowing the court to impose a sentence at less than the maximum, granting a hearing when the maximum sentence is imposed by the jury, so as to delete all references to the death penalty, and to prescribe life imprisonment without parole as the maximum punishment; to amend ARAP Rule 8, so as to delete subsection (d) (1) which provides for stay of execution; to amend Section 15-18-1 which prescribes legal punishments, so as to delete any reference to death by electrocution; to amend Section 15-9-1, which provides for rewards in cases leading to the arrest and conviction of persons involving certain felonies, so as to delete any reference to the death penalty; to repeal any laws or parts of laws which conflict with the provisions of this act; and to specifically repeal the following sections of the Code of Alabama, 1975, as amended: 12-22-150, 13-11-5, 15-13-3, 15-16-22, 15-16-23, 15-18-80 through 15-18-86, 15-18-100 and 15-22-27, all of which specifically relate to the death penalty or electrocution as punishment for crimes; to provide that the sentences of all persons who have been convicted under the death penalty laws and whose executions are pending on the effective date of this act shall be commuted to life imprisonment without parole.

Committee on Judiciary.

By Messrs. Gullledge, Figures, and Martin:

S. 212. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

Committee on Governmental Affairs.

By Mr. Gullledge (with notice and proof):

S. 213. Relating to Washington County; to provide that the county commission of Washington County shall meet on the second and fourth Tuesday each month and at such other times as deemed necessary by said county governing body provided advance public notice be given by publication in a newspaper of general circulation in Washington County; and to repeal Act No. 224, H. B. 764 of the 1884-1885 Session.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 213, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gulledge:

S. 214. To provide that the corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the demonstration of the single tax principal shall be revoked.

Committee on Finance and Taxation.

By Messrs. Harrison, Taylor, Holmes, Robertson, Denton, Gulledge, Parsons, White, and Bailey:

S. 215. To amend Section 38-7-2, Code of Alabama 1975, which provides for the Child Care Act of 1971, so as to exempt certain church related facilities and programs from the provisions of said act.

Committee on Education.

By Mr. Harrison:

S. 216. To amend Section 40-23-5 of the Code of Alabama 1975 relating to certain organizations being exempt from payment of state, county and municipal sales and use taxes so as to exempt the Montgomery Southern League, Dixie Youth Baseball, Inc. from payment of such sales and use taxes.

Committee on Finance and Taxation.

By Mr. Glass (with notice and proof):

S. 217. To amend Act No. 767, H. 411, 1973 Regular Session (Acts 1973, p. 1175), entitled "An Act to fix the salary of the Tax Assessor of Mobile County and to regulate the payment thereof" so as to provide further for such salary.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 217, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Glass (with notice and proof):

S. 218. To further amend Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), as amended, entitled "An Act To fix the salary of the Tax Collector of Mobile County, and to regulate the payment thereof," so as to provide further for such salary.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 218, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Mitchem and Kirkland:

S. 219. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for

the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance and Taxation.

By Messrs. Mitchem, Callahan, St. John, Smith, and Kirkland:

S. 220. To prohibit the Alabama real estate commission from promulgating any rule or regulation regarding real estate signs, symbols, logos or other identifying marks on any type visual display.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Mitchem and Kirkland:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Holmes (with notice and proof):

S. 222. To amend and reenact Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1045), which act establishes a policemen's and firemen's retirement fund for the city of Anniston, so as to provide further for the administration and operation of the retirement fund and for the payment of benefits to members of the police and fire departments and their dependents and survivors.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 222 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. White:

S. 223. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

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By Rep. Dial (with notice and proof):

H. 16. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 16 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (with notice and proof):

H. 79. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moundville in Hale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 79 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Carter (with notice and proof):

H. 97. To amend Section 5 of Act No. 367, S. 473, 1978 Regular Session (Acts of 1978, p. 310) relating to the compensation of the county superintendent of education and county board of education of Limestone County; so as to make the provisions of the Act retroactive to November 1, 1978.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 97 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Minus and Manley (with notice and proof):

H. 158. Relating to Sumter County; providing further for the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 158 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Minus and Manley (with notice and proof):

H. 159. Relating to Sumter County; providing further for the compensation of the board of registrars.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 159 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Minus and Manley (with notice and proof):

H. 160. Relating to Sumter County; providing further for the compensation of the board of equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 160 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Turnham, Reed, Laird, and Ward:

H. 179. Relating to the 5th Judicial Circuit, to regulate and provide for expense allowances allowed the district attorney in like amounts as provided for circuit judges of said circuit; and to give said act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 16, 79, 97, 158, 159, 160 and 179. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (with notice and proof):

H. 48. Relating to Lawrence County; providing an expense allowance payable from the county general fund, for the county coroner and making the provisions of this act retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 48 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 49. Relating to Lawrence County; authorizing the county commission to allow the sheriff to appoint a chief deputy and other deputies; and providing for the compensation of such deputies.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 49 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 50. Relating to Lawrence County; providing for fixing the fee for issuance of a pistol permit and providing for the distribution and use of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 50 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 32. Relating to Washington County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present unit system or revert back to the district or beat line system.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 32 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 83. To repeal Act No. 58, H. 39, approved April 13, 1955, Second Extraordinary Session 1955 (Acts of Alabama 1955, p. 170), entitled, "An Act Relating to Marion County; levying a county privilege license tax on electric and hydro-electric public utilities, providing for the collection and enforcement of such tax and for the distribution and use of the proceeds thereof."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 83 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 48, 49, 50, 32 and 83. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dixon, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 45. CONGRATULATING MR. AND MRS. ED SULLIVAN, JR., ON THE BIRTH OF THEIR FIRST CHILD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 45, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 38. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, April 19, 1979, we adjourn to Tuesday, April 24, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 38, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 2. COMMENDING MRS. EDITH CASSIE VAUGHAN.

Also:

S. J. R. 8. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1979 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 19. DESIGNATING THE MUSEUM AND FINE ARTS BUILDING AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM AND FINE ARTS BUILDING".

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton (with notice and proof):

S. 25. Relating to Lauderdale County; authorizing nighttime hunting of racoons and opossums under certain conditions.

RESOLUTIONS

Messrs. Little, Holmes and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. PROVIDING FOR A JOINT LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

WHEREAS, the Alabama Legislature finds that many of the policy issues confronting it are becoming more complex and that it would be of benefit to have the input and analysis of non-advocative specialists, particularly in matters involving energy, environment, natural resources, transportation, health, human resources, economic development, the social sciences and other sciences-related areas; and

WHEREAS, it further finds that major potential resources for providing information in these areas exists in state supported universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature establish a Legislative Technical Assistance Program for the purpose of utilizing the resources of the several accredited state universities which in turn find it not to be detrimental to their regular educational activities; that the Legislative Technical Assistance Program shall be under the direction and supervision of a joint Legislative Technical Assistance Committee consisting of the Executive Assistant to the Lieutenant Governor, the Executive Assistant to the Speaker of the House, the Director of the Legislative Reference Service or his staff nominee, three members of the Senate to be appointed by the Lieutenant Governor, and three members of the House to be appointed by the Speaker. The chairman of the committee shall be elected from the membership. The

Executive Assistant to the Lieutenant Governor and the Executive Assistant to the Speaker of the House shall serve as vice chairmen, and shall preside in the absence of the chairman, or at his direction.

In order to establish proper liaison, procedures, and communication between the Legislature and participating colleges and universities, there shall be established a University Coordinating Committee which shall consist of members of the Legislative Technical Assistance Committee plus one representative of participating accredited four-year colleges and universities to be appointed by the presidents of these institutions. The chairman of the Legislative Technical Assistance Committee shall serve as chairman of the University Coordinating Committee, and the vice chairman of the Legislative Technical Assistance Committee shall serve as vice chairman of the University Coordinating Committee. The Legislative Technical Assistance Committee shall have final authority to approve or disapprove acts or decisions of the University Coordinating Committee.

The Legislative Technical Assistance Committee may appoint a University Technical Assistance Coordinator. The University Technical Assistance Coordinator, under the direction of the committee, shall maintain liaison between the principal representatives of the Legislature and designated representatives of participating colleges and universities. Upon request for scientific or technical assistance he shall, through established lines of communication, contact and select qualified specialists or teams of specialists from participating colleges or universities to assist the state legislature. He may obtain information from federal and state agencies, science and technically oriented professional societies, or others as the nature of requests may merit. He shall monitor and coordinate the results obtained from the several sources and convey the results of such investigations, studies and advice to the designated assistants of the House and Senate. He shall, at all times, keep his reporting factual and non-advocative.

The participating universities and colleges shall provide for the compensation of their faculties who from time to time are assigned to legislative technical assistance projects. Such compensation for release time and travel expenses of the persons involved shall be in accordance with standard university policies. To help allay the costs of the program, the Lieutenant Governor and the Speaker of the House may jointly or separately apply for and receive grants or other forms of aid from the federal government, private foundations or other groups toward the fulfillment of the purposes of this Resolution. Any funds granted to the Alabama Legislature in pursuit of the goals of the Legislative Technical Assistance Program shall be expended according to guidelines to be established by the Legislative Technical Assistance Committee.

Which was read and referred to the Standing Committee on Rules.

Messrs. Holmes, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. COMMENDING MISS TERESA CHEATHAM, "MISS ALABAMA" AND FIRST ALTERNATE TO "MISS AMERICA", 1979.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of our own "Miss Alabama" as first alternate to "Miss America" for 1979 during the prestigious pageant finals held in Atlantic City on September 9, 1978; and

WHEREAS, the lovely and talented Miss Cheatham of Wellington, Alabama, is a 1975 graduate of Anniston Academy and a senior candidate for a degree in Music Performance at Jacksonville State University; and

WHEREAS, "Miss Alabama," the only contestant to receive a standing ovation for her talent performance, not only was awarded \$5,000 in scholarships during preliminary competition but was further awarded scholarships totaling \$15,000 in the pageant's finals, and will serve in the event the reigning "Miss America" is unable to fulfill her term; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration of her extraordinary beauty and exceptional talent, we most gratefully express this body's appreciation for the fame and honor Miss Teresa Cheatham has brought to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Miss Cheatham that she may know of our admiration and esteem.

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 22. MOURNING THE DEATH OF MR. IRA LIPSCOMB, PROMINENT SOUTH BALDWIN COUNTY CITIZEN.

Which was adopted.

BILLS ON THIRD READING

The Bill:

S. 67. To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relate to security protection for certain constitutional officers and others, so as to require the director of public safety to designate personal security officers for the constitutional officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Britnell	Gullledge	Martin	St. John
Callahan	Hall	McDonald	Smith
Clemon	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	White
Figures	Kirkland		

—33

Nays:

—0

The Bill:

S. 66. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Abstaining 2.

Yeas:

Messrs.:	Glass	Kirkland	Robertson	
Bailey	Goodwin	Lemaster	St. John	
Barron	Gulledge	Martin	Smith	
Clemon	Hall	McDonald	Taylor	
Cook	Harrison	Miller	Teague	
deGraffenried	Higginbotham	Mitchem	Vacca	
Denton	Holmes	Proctor	White	
Figures	Keener			—29

Nays: —0

Abstaining: Messrs.: Britnell and Pearson. —2

The Bill:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

was taken up.

On motion of Mr. Pearson, further consideration of the Bill, S. B. 81, was postponed until the Fifth Legislative Day.

The Bill:

S. 26. To provide that individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or licensed lending institution having its principal place of business in Alabama; and to provide that the provisions hereof are cumulative.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 29; Nays 3.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	White
Glass	Kirkland		

—29

Nays: Messrs.: Clemon, Figures, Pearson. —3

The Bill:

S. 94. To provide for compliance by savings and loan associations with regulations of the Federal Home Loan Bank Board which require that no loan on the security of a savings account may be made at a rate of interest that is less than one percent per annum in excess of the rate of return payable on any such account.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 2.

Abstaining 1.

Yeas:

Messrs.:	Glass	Keener	Proctor
Bailey	Goodwin	Kirkland	Robertson
Barron	Gulledge	Little	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton			

—28

Nays: Messrs.: Clemon, Figures. —2

Abstaining: Mr. Pearson. —1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 45. CONGRATULATING MR. AND MRS. ED SULLIVAN, JR., ON THE BIRTH OF THEIR FIRST CHILD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 100. To amend Sections 1 and 2 of Act No. 370, S. 279, Legislature of Alabama of 1976, approved August 23, 1976, entitled "An Act to amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled 'An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts and for other purposes,' which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts;" and to provide a new Standard Nonforfeiture Law for individual deferred annuities.

was taken up.

On motion of Mr. Cook, further consideration of the Bill, S. B. 100, was postponed until the next Legislative Day.

The Bill:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 33; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor
Barron	Goodwin	Little	Robertson
Britnell	Gulledge	Martin	St. John
Callahan	Hall	McDonald	Smith
Clemon	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	White
Figures	Kirkland		

—33

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

S. J. R. 20. PROVIDING FOR A JOINT LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

The Standing Committee on Rules reported the following amendment to the Resolution, S. J. R. 20, to-wit:

AMENDMENT TO S. J. R. 20

Amend S. J. R. 20, Page 3, Line 18, by inserting after the word "other" the word Private and furthermore on page 3, line 18 following the word "groups" insert the words and phrases:

", corporations and persons" . . .

Which was adopted.

On motion of Mr. Little, Resolution, S. J. R. 20, as thus amended, was adopted by the Senate.

RESOLUTION

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 23. COMMENDING THE MUSCLE SHOALS MUSIC ASSOCIATION.

Which was adopted.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 2. COMMENDING MRS. EDITH CASSIE VAUGHAN

Also:

S. J. R. 8. EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1979 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 19. DESIGNATING THE MUSEUM AND FINE ARTS BUILDING AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM AND FINE ARTS BUILDING"

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

was taken up.

Mr. Barron moved that further consideration of the Bill, S. B. 54, be postponed until the Eighth Legislative Day.

On motion of Mr. White, the motion to postpone was laid on the table.

Mr. Barron then offered the following amendment to the Bill, S. B. 54, to-wit:

AMENDMENT TO S. B. 54

Amend Senate Bill 54 by deleting Section 1. in its entirety and substituting in lieu thereof the following:

"Section 1. The legislature of the State of Alabama is hereby authorized to control the usage of those parking spaces on both sides of the streets immediately adjacent to the state capitol building in the City of Montgomery, viz: both sides of that block or portion of Washington Avenue, Union Street, Monroe Street, and Bainbridge Street, that are immediately adjacent to the capitol grounds; and, the legislature of the State of Alabama is further authorized to control the usage of parking spaces on both sides of all

streets immediately adjacent to all county courthouses in the State of Alabama. The legislature shall be authorized to exercise control over the usage of said parking spaces through the joint parking committee created by Act No. 8, Organization Session 1975, or its successor, or by subsequent legislative action; and the Chief of Service of the Division of Service shall work in cooperation with the legislature regarding any action taken by the legislature as hereby authorized."

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 26; Nays 6.

Yeas:

Messrs.:	Denton	Kirkland	Parsons
Bailey	Figures	Lemaster	Pearson
Britnell	Goodwin	Little	Proctor
Callahan	Gulledge	Martin	Smith
Clemon	Hall	McDonald	Vacca
Cook	Higginbotham	Miller	White
deGraffenried	Holmes	Mitchem	

—26

Nays:

Messrs.:	Harrison	St. John	Teague
Barron	Robertson	Taylor	

—6

Mr. Barron then offered the following amendment to the Bill, S. B. 54, to-wit:

AMENDMENT TO S. B. 54

Amend Senate Bill 54 by deleting Section 1. in its entirety and substituting in lieu thereof the following:

"Section 1. The legislature of the State of Alabama is hereby authorized to control the usage of those parking spaces on both sides of the streets immediately adjacent to the state capitol building in the City of Montgomery, viz: both sides of that block or portion of Washington Avenue, Union Street, Monroe Street and Bainbridge Street, that are immediately adjacent to the capitol grounds. Said streets and parking spaces shall be used for the private use of the legislature. The City of Montgomery shall maintain, patrol, control, and otherwise care for the said spaces and streets at the expense of the City of Montgomery. The legislature shall be authorized to exercise control over the usage of said parking spaces through the joint parking committee created by Act No. 8, Organizational Session 1975, or its successor, or by subsequent legislative action; and the Chief of Service of the Division of Service shall work in cooperation with the legislature regarding any action taken by the legislature as hereby authorized."

On motion of Mr. St. John, further consideration of said Bill, S. B. 54, and pending amendment, was postponed temporarily.

The Bill:

S. 132. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include

the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

was taken up.

Mr. Little offered the following amendment to the Bill, S. B. 132, to-wit:

AMENDMENT TO S. B. 132

Amend Senate Bill No. 132 Page 2 Line 7, by inserting after the word authority, the following words

"or within the state, where the state or an instrumentality thereof is the awarding authority"

On motion of Mr. St. John, further consideration of the Bill, S. B. 132, and pending amendment, was postponed until the next Legislative Day.

The Bill:

S. 135. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Pearson
Barron	Goodwin	Little	Proctor
Britnell	Gulledge	Martin	St. John
Callahan	Hall	McDonald	Taylor
Clemon	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	White
Denton	Kirkland		

—29

Nays:

—0

FURTHER CONSIDERATION OF S. B. 54

The Senate proceeded to further consideration of the Bill, S. B. 54. The question was on the amendment offered by Mr. Barron.

Mr. Barron requested and received unanimous consent to withdraw said amendment.

Mr. Barron then offered the following amendment to the Bill, S. B. 54, to-wit:

AMENDMENT TO SENATE BILL 54

Amend Senate Bill 54 by deleting Section 1. in its entirety and substituting in lieu thereof the following:

"Section 1. The legislature of the State of Alabama is hereby authorized to control the usage of those parking spaces on both sides of the streets immediately adjacent to the state capitol building in the City of Montgomery, viz: both sides of that block or portion of Washington Avenue,

Union Street, Monroe Street and Bainbridge Street, that are immediately adjacent to the capitol grounds. Said streets and parking spaces shall be used for the private use of the legislature. The City of Montgomery shall maintain, patrol, and otherwise care for the said spaces and streets at the expense of the City of Montgomery. The legislature shall be authorized to exercise control over the usage of said parking spaces through the joint parking committee created by Act No. 8, Organizational Session 1975, or its successor, or by subsequent legislative action; and the Chief of Service of the Division of Service shall work in cooperation with the legislature regarding any action taken by the legislature as hereby authorized."

On motion of Mr. Barron, further consideration of the Bill, S. B. 54, and pending amendment, was postponed until the next Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

Also:

By Reps. Riddick, Manley, Smith (M), McCorquodale, McKee, Seibels, Turner, Kelley, Patton, Naramore, Brakefield, Biddle, Pegues, Starkey, Shavers, Whatley, Minus, Greer, Albright, Waggoner, Moore, Cheatwood, Nevett, Sasser, Smith (C), Bennett, Shoemaker, Johnson (R. G.), Carothers and Grouby:

H. 176. To prohibit the disposal of certain nuclear spent fuel or radioactive material or waste by the United States of America in any site within the state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 54. To the Committee on Finance and Taxation.

H. B. 176. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 19. To repeal Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects.

Also:

By Reps. Greer, Starkey and Coburn (with notice and proof):

H. 171. Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 171, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 19. To the Committee on Commerce, Transportation, and Utilities.

H. B. 171. To the Committee on Local Legislation No. 1.

ADJOURNMENT

At 5:25 P.M., on motion of Mr. McDonald, the Senate adjourned until Thursday, April 26, 1979, at 11 o'clock A.M.

FOURTH LEGISLATIVE DAY

THURSDAY, APRIL 26, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Massey Gentry, Rector, Trinity Episcopal Church, Wetumpka, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Denton, Robertson, Britnell, and Gulledge:

S. 224. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Martin:

S. 225. To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

Committee on Governmental Affairs.

By Mr. St. John:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

Committee on Finance and Taxation.

By Mr. St. John:

S. 227. To amend Section 11-50-313, Code of Alabama 1975, which pertains to the Board of Directors of certain water, sewer, gas and electric systems, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

Committee on Governmental Affairs.

By Mr. St. John:

S. 228. To amend Section 12-1-6, Code of Alabama 1975, which relates to certain procedures relating to local legislation introduced which affects the judiciary, so as to provide that it shall be the duty of the administrative director of courts, or his designee, to secure certified copies of such legislation from the secretary of the Senate and the clerk of the House of Representatives.

Committee on Judiciary.

By Mr. McDonald:

S. 229. To provide that all justices of the supreme court, judges of the courts of appeal, and circuit judges assuming office for the first time on or after May 1, 1979, shall be entitled to benefits under the judicial retirement fund; to prescribe certain exceptions, including: (a) Such justices or judges shall not receive retirement pay until age sixty; (b) retirement pay shall be computed upon a percentage of final salary at the time of retirement; (c) any cost-of-living increase shall be limited to the times such increments are granted to state employees; (d) only prior creditable service as a judge shall

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count toward judicial retirement; to provide that certain prior service as a district court judge may be counted toward retirement as a circuit or appellate judge; to repeal conflicting laws.

Committee on Judiciary.

By Messrs. Lemaster, Martin, and Denton:

S. 230. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

Committee on Governmental Affairs.

By Mr. Hall:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Keener:

S. 232. To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 233. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 234. To amend Section 17-10-14 of the Code of Alabama 1975 relating to the compensation of absentee election managers so as to remove the authorization of the county commission to set such compensation and to provide that such compensation shall be \$25.00 per day.

Committee on Finance and Taxation.

By Mr. Parsons (with notice and proof):

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 235, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. deGraffenried, Proctor, Mitchem, Martin, Robertson, Teague, Smith, Miller, Britnell, Holmes, Little, Taylor, and Kirkland:

S. 236. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require verbatim minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void; to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Committee on Governmental Affairs.

By Mr. Higginbotham:

S. 237. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

Committee on Governmental Affairs.

By Messrs. Higginbotham and Mitchem:

S. 238. To amend Rule B of the Small Claims Rules so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Committee on Judiciary.

By Mr. Higginbotham:

S. 239. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Committee on Education.

By Mr. Higginbotham:

S. 240. To amend Code of Alabama 1975, §§ 16-24-31 to provide for the appointment of a representative of the city and county boards of education to the State Tenure Commission by the President of the Alabama Association of School Boards.

Committee on Education.

By Mr. Harrison:

S. 241. To exempt the Hi-Pine Water and Fire Protection Authority in Crenshaw County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Committee on Finance and Taxation.

By Messrs. Goodwin, Teague, Proctor, and Cook:

S. 242. Relating to primary elections; to amend Code of Alabama 1975, Section 17-16-6 so as to provide further for the date of holding primary elections in presidential election years; and to hold primary elections in any other year on the first Tuesday after the first Monday in May and the second primary five weeks thereafter; and to repeal Act No. 681, 1978 Regular Session (now appearing in Code of Alabama 1975, Chapter 18A) which provides for presidential preference primaries.

Committee on Governmental Affairs.

By Messrs. Robertson, Clemon, Hall, Harrison, Vacca, Britnell, McDonald, Denton, White, Teague, Lemaster, Glass, deGraffenried, Goodwin, Mitchem, Taylor, Martin, Callahan, Gullede, Holmes, Higginbotham, Barron, Cook, Kirkland, Proctor, Little, Bailey, Weeks, Parsons, and Miller:

S. 243. To provide that any person may use deadly force, including the use of firearms, to repeal anyone unlawfully in, entering or attempting to enter the person's home or place of abode; to provide that no criminal case or civil cause of action shall be brought against any person exercising his rights under the provisions of this act.

Committee on Judiciary.

By Mr. Higginbotham:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

Committee on Governmental Affairs.

By Messrs. Kirkland and Mitchem:

S. 245. To amend Sections 9-13-10, 9-13-24 and 9-13-64, Code of Alabama 1975 relating to the powers of the state forestry commission employees as to the enforcement of laws, prevention and suppression of forest fires, and the power to arrest, so as to assign these powers to the forest law enforcement officers.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Gullede (with notice and proof):

S. 246. To amend the title and Sections 2, 4, and 8 of Act No. 142, S. 353 (Acts 1951, p. 374-378), relating to the construction, maintenance and repair of Baldwin County roads and bridges so as to empower the county commission with the authority to hire a county engineer and to prescribe the procedure for the transfer of county monies to the State Highway Department as needed for the construction, maintenance and repair of such county roads and bridges.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 246, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other non-conforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Callahan:

S. 248. To provide the manner corporations not of a business nature may amend or alter their charters.

Committee on Judiciary.

By Mr. Callahan:

S. 249. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

Committee on Finance and Taxation.

By Messrs. Kirkland, Cook, Vacca, and Parsons:

S. 250. To prohibit the use of steel traps and similar devices; to prohibit the sale of any pelts taken with steel traps in this state; to authorize the State Health Officer to legalize the use of steel traps in certain areas of the state when he declares such areas to be infested with rabies; and to prescribe the punishment for violation of this act.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Pearson:

S. 251. Relating to taxation; exempting the Alabama Goodwill Industries, a non-profit corporation, at all of its locations in the State of Alabama from the levy of all state, county, municipal and local sales tax and use tax.

Committee on Finance and Taxation.

BILLS RE-REFERRED

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following Bills, S. B. 52 and H. B. 19, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

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And the President and Presiding Officer of the Senate ordered said Bills, S. B. 52 and H. B. 19, re-referred to the Standing Committee on Business and Labor Relations.

Mr. deGraffenried moved that the Bill, S. B. 236, be removed from the Standing Committee on Governmental Affairs and re-referred to the Standing Committee on Judiciary, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 236, re-referred to the Standing Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

House Joint Resolution No. 40. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 24, 1979, we adjourn to meet again on Thursday, April 26, 1979; when we adjourn on Thursday, April 26, we adjourn to meet again on Tuesday, May 1, 1979; and when we adjourn on Tuesday, May 1, we adjourn to meet again on Thursday, May 3, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Messrs. Goodwin, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Gullett, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. CONGRATULATING OUR COLLEAGUE, WALLACE MILLER, ON THE RECENT AWARDS TO HIS RADIO STATION, WKMX.

WHEREAS, The Alabama Associated Press Broadcasters Association recently presented several awards to television and radio stations categorized by the size of their cities; and

WHEREAS, Senator Wallace Miller's radio station in Enterprise, WKMX, won eight of these awards in the smaller city category, practically sweeping the field, with recognition in the fields of news operations, best regularly scheduled newscast, best editorial or commentary, best agricultural report, best general sports, best anchor, and best commentator or editorialist; and

WHEREAS, Senator Miller and his staff members, Chuck Leonard, Cal Callaway, and Dave Miller who share these awards, can be justifiably proud of this recognition from such a prestigious group; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we extend our heartiest congratulations to Wallace Miller, our good friend and owner of WKMX, and the members of his staff, for the recognition they have received from their peers.

BE IT FURTHER RESOLVED That copies of this resolution be presented to Senator Miller and Messrs. Leonard, Callaway, and Miller.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 51. CREATING A COMMITTEE TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

WHEREAS, the State of Alabama already owns property near or adjacent to buildings currently in use by the State Highway Department; and

WHEREAS, the Highway Department can function and perform their duties equally as well away from the Capitol Complex as they do now in their present location, but legislative offices and some other state departments, by virtue of the services they perform, must and should be located in close proximity to the Capitol; and

WHEREAS, should additional property be needed in the future by the Highway Department, it is only logical and fiscally responsible that property be purchased in an area where property values are much lower than those in the downtown or Capitol area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study the feasibility of constructing a building to house the Highway Department on state-owned property where the highway shops are now located, and convert the present Highway Department building for use by the Legislature and by other state departments that need to remain close to the Capitol Complex but are currently located in buildings leased from private owners. Such committee shall be composed of three members from the House of Representatives and three members from the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from their membership a chairman. The committee shall consider the state's buying the property East of the Capitol, between Washington and Monroe, and using any suitable buildings thereon as a source of rental income for the state until such property is needed for building purposes. If, however, said buildings are unusable, the state shall be authorized to demolish them and hold this property for use as needed in the future to expand the Capitol Complex for departments needing close physical access to the Capitol.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 20th legislative day of the 1979 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Laird and Dial:

H. J. R. 54. NAMING THE MULTI-USE BUILDING AT SOUTHERN UNION STATE JUNIOR COLLEGE IN WADLEY, ALABAMA, "THE VERNON L. CARTER BUILDING."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harrison:

H. J. R. 59. TO AMEND ACT NO. 79-7, PROVIDING ADDITIONAL PER DIEM EXPENSE ALLOWANCES FOR LEGISLATORS AND CREATING A COMPENSATION STUDY COMMISSION SO AS TO EXTEND THE TIME OF STUDY BY SUCH COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 79-7, approved January 17, 1979, Organizational Session 1979, entitled "Senate Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND TO CREATE A COMPENSATION STUDY COMMISSION TO STUDY

LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979," is hereby amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, H. J. R. 9, approved January 10, 1979, Organizational Session 1979, entitled "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE," is expressly repealed.

"BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid an additional fifteen dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

"RESOLVED FURTHER, That each member of the Legislature shall be allowed an additional one hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

"AND FURTHER RESOLVE, That there is hereby created an independent Compensation Study Commission to be composed of seven non-government citizens of Alabama, three members being appointed by the Governor, two members by the Chief Justice of the Alabama Supreme Court and two members by the Alabama Attorney General.

"Said committee shall elect from its membership a chairman. Said committee shall study the question of legislative expense allowance including all reasonable and necessary and proper expenses incurred in connection with food, lodging and travel, expenses such as district offices, and any other reasonable expenses, and, after conducting said study and after having made comparisons with regard to expense allocations of legislatures in the several states, made recommendations to the legislature by the twentieth day of the 1979 Regular Session as to what is reasonable and proper in 1979.

"The legislature will vote by recorded vote to accept or reject the recommendations of the committee which shall be submitted by resolution. If accepted, the recommendations will be the new allocation for expenses; if rejected, the then existing pay and expenses will continue as presently in force.

"Members of the Compensation Study Commission shall receive the same pay and allowances as a member of the Legislature for each day they meet. Clerical assistance to carry out the provisions of this act shall be furnished said commission by the Clerk of the House of Representatives and the Secretary of the Senate.

"RESOLVED FURTHER, That this order will take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendment):

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 55. To create the Private Colleges and Universities Facilities Authority; to authorize the Authority to acquire, construct and equip self-liquidating Projects consisting of educational facilities for lease or sale to private institutions of higher education; to confer powers and impose duties on the Authority; to provide for the appointment of members of the Authority; to authorize the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; to provide that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; to make such revenue bonds legal investments and to provide that any revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and to fix the venue for jurisdiction of actions relating to any provisions of this Act.

By Mr. Pearson:

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section and so as to add to the classes of revenues that may be so pledged revenues from airports and other revenue producing facilities.

By Mr. Pearson:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor, (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue

securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, Miller, and Kirkland:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

By Messrs. Mitchem, Miller, and Kirkland:

S. 42. To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

By Messrs. Mitchem, Miller, and Kirkland:

S. 43. Relating to the membership of the State Board of Agriculture and Industries: to amend §§ 2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

By Messrs. Mitchem, Miller, and Kirkland:

S. 44. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

By Messrs. Mitchem and Kirkland:

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

By Mr. Barron:

S. 107. To provide that retiring conservation law enforcement officers of the department of conservation and natural resources may keep their pistols and badges, and certain other equipment, as a retirement benefit, and to make this act retroactively effective to October 1, 1978.

By Messrs. Kirkland and Martin:

S. 120. To further regulate night hunting and taking of raccoons so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber short ammunition.

By Messrs. Kirkland and Mitchem:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

By Messrs. Kirkland, White, and Mitchem:

S. 176. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 20. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to further regulate such schools and courses of instruction and to provide for funding.

By Messrs. Proctor, Teague, Goodwin, Vacca, Little, Cook, Mitchem, Parsons, deGraffenried, St. John, and Kirkland:

S. 76. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

By Mr. Britnell:

S. 148. To direct Brewer State Junior College to continue its branch campus in Tuscaloosa; to direct such junior college to continue its recruitment and transportation policies and procedures in Pickens, Lamar, Fayette and Tuscaloosa Counties; and to provide that any monies appropriated or allocated to such junior college shall be expended for the purposes for which they were intended.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendments):

S. 89. To amend Section 34-15-4 Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Holmes, White, Harrison, and Smith:

S. 191. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than \$20.00 nor more than \$50.00; amends Sections 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$100.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$20.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$100.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$80.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00, by increasing the annual registration certificate fee to an amount not less than \$20.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$20.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$80.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$75.00 nor more than \$150.00.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Amendment):

S. 223. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute) (With Amendment):

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 33. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (With Substitute):

S. 171. To amend Section 5-19-1(3), Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 10. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 23. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

By Mr. Martin:

S. 27. To amend Section 37-3-4 of the 1975 Code of Alabama so as to exempt motor vehicles carrying any road building materials including crushed stone and plant mix, but not including sand and gravel, from the regulations prescribed and governed by the Public Service Commission.

By Mr. Martin:

S. 29. To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

By Mr. Teague:

S. 196. To expand the membership of the Public Service Commission by providing for the appointment of additional members; to provide for the term of such members; to provide for the powers, duties and obligations of such members; and to provide an appropriation to implement the provisions of this act.

By Messrs. Mitchem, Callahan, St. John, Smith, and Kirkland:

S. 220. To prohibit the Alabama real estate commission from promulgating any rule or regulation regarding real estate signs, symbols, logos or other identifying marks on any type visual display.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton (with notice and proof):

S. 181. Relating to Lauderdale County: to provide the fee which may be charged by the Judge of Probate for celebrating the rites of matrimony and authorizing him to retain such fee for his personal use.

By Mr. Denton (with notice and proof):

S. 182. Relating to Lauderdale County: providing for an additional expense allowance for county commissioners.

By Mr. Denton (with notice and proof):

S. 183. Relating to Lauderdale County: to provide further compensation and expense allowance for certain county officials.

By Mr. Little (with notice and proof):

S. 200. Relating to Tallapoosa County; providing for an additional fee for a pistol permit or license in the county; providing for the disposition of the proceeds from such fees; repealing conflicting laws and specifically repealing Act No. 642, H. 1522, Regular Session 1975 (Acts 1975, p. 1398); and providing for its retroactive effect.

By Mr. Holmes (with notice and proof):

S. 222. To amend and reenact Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1045), which act establishes a policemen's and firemen's retirement fund for the city of Anniston, so as to provide further for the administration and operation of the retirement fund and for the payment of benefits to members of the police and fire departments and their dependents and survivors.

By Rep. Dial (with notice and proof):

H. 16. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

By Rep. Letson (with notice and proof):

H. 48. Relating to Lawrence County; providing an expense allowance payable from the county general fund, for the county coroner and making the provisions of this act retroactive.

By Rep. Letson (with notice and proof):

H. 49. Relating to Lawrence County; authorizing the county commission to allow the sheriff to appoint a chief deputy and other deputies; and providing for the compensation of such deputies.

By Rep. Letson (with notice and proof):

H. 50. Relating to Lawrence County; providing for fixing the fee for issuance of a pistol permit and providing for the distribution and use of such fees.

By Rep. Clark (with notice and proof):

H. 79. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moundville in Hale County, Alabama.

By Rep. Cobb (with notice and proof):

H. 83. To repeal Act No. 58, H. 39, approved April 13, 1955, Second Extraordinary Session 1955 (Acts of Alabama 1955, p. 170), entitled, "An Act Relating to Marion County; levying a county privilege license tax on electric and hydro-electric public utilities, providing for the collection and enforcement of such tax and for the distribution and use of the proceeds thereof."

By Reps. Minus and Manley (with notice and proof):

H. 158. Relating to Sumter County; providing further for the compensation of election officials.

By Reps. Minus and Manley (with notice and proof):

H. 159. Relating to Sumter County; providing further for the compensation of the board of registrars.

By Reps. Minus and Manley (with notice and proof):

H. 160. Relating to Sumter County; providing further for the compensation of the board of equalization.

By Reps. Greer, Starkey and Coburn (with notice and proof):

H. 171. Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment

and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

By Reps. Turnham, Reed, Laird and Ward:

H. 179. Relating to the 5th Judicial Circuit, to regulate and provide for expense allowances allowed the district attorney in like amounts as provided for circuit judges of said circuit; and to give said act retroactive effect.

RESOLUTIONS

Messrs. Parsons and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. HONORING JUDGE HARRY E. PICKENS OF BESSEMER, JEFFERSON COUNTY, ALABAMA.

WHEREAS, the Alabama Senate notes with approbation the distinguished career of Judge Harry E. Pickens of Bessemer, Jefferson County, Alabama, who retired February 28, 1979, as Judge of the 10th Judicial Circuit; and

WHEREAS, Judge Pickens, a native and lifelong resident of Bessemer, is a veteran of World War II and a 1954 graduate of the University of Alabama School of Law; and

WHEREAS, he served in the solicitor's office in Birmingham from 1955 until 1968 at which time he undertook the position of Deputy District Attorney for the Tenth Judicial Circuit, Bessemer Division, continuing in that capacity until 1973; and

WHEREAS, on October 1, 1973, Harry Pickens assumed the Bench, serving Alabama's Tenth Judicial Circuit with distinguished acumen until his recent retirement in February; and

WHEREAS, in addition to his outstanding legal career and service on the Bench, Judge Pickens has been active also in many of the social, civic, educational and religious affairs of his community; he is an actively involved member of the Baptist Church, a Mason, a past member of the board of directors of the YMCA and has been active for many years with the Boy Scout program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly honor and commend Judge Harry E. Pickens on his distinguished career and for his many long years of laudable service to his community, state and country; we further congratulate Judge Pickens on his recent retirement, wish him every future success and direct that he receive a copy of this resolution that he may know of our praise and warm best wishes.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Parsons then offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. COMMENDING MISS JENA LOUISE LARGE, MISS ALABAMA NATIONAL TEENAGER FOR 1979.

WHEREAS, the Legislature of Alabama notes with great pride and pleasure the selection of Miss Jena Louise Large of Hueytown, Jefferson County, Alabama, as the 1979 Miss Alabama National Teenager, crowned March 10, 1979, during pageant festivities held in Montgomery; and

WHEREAS, Miss Large is a charming fifteen-year-old sophomore at Hueytown High School, a superior student with an overall "A" average academically; and

WHEREAS, lovely Jena Louise won her crown in competition with 55 other young ladies, judged on a basis of points awarded for a written essay, on community involvement, scholarship achievement and on poise; and

WHEREAS, Jena will now serve as our state's lovely and charming representative in competition for the national title of Miss National Teenager; pageant finals are to be held August 11, 1979, in Atlanta, Georgia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Jena Louise Large of Hueytown as our 1979 Miss Alabama National Teenager.

BE IT FURTHER RESOLVED, That Jena receive a copy of this resolution as an expression of our pride in her representation of the State of Alabama, with a copy also provided for her justifiably proud parents, Mr. and Mrs. James M. Large of Hueytown.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 25. Relating to Lauderdale County; authorizing nighttime hunting of racoons and opossums under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith
Bailey	Hall	Miller	Taylor
Barron	Harrison	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Clemon	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

Nays:

—0

The Bill:

S. 100. To amend Sections 1 and 2 of Act No. 370, S. 279, Legislature of Alabama of 1976, approved August 23, 1976, entitled "An Act to amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971,

approved August 25, 1971, entitled 'An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts and for other purposes,' which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts;" and to provide a new Standard Nonforfeiture Law for individual deferred annuities.

On motion of Mr. Weeks, further consideration of the Bill, S. B. 100, was postponed until the next Legislative Day.

The Bill:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

was taken up.

The question was on the amendment offered by Mr. Barron, which said amendment is set out in the Journal of the Senate for the Third Legislative Day.

On motion of Mr. White, further consideration of the Bill, S. B. 54 and pending amendment, was postponed temporarily.

The Bill:

S. 132. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

was taken up.

The question was on the amendment offered by Mr. Little, which said amendment is set out in the Journal of the Senate for the Third Legislative Day.

On motion of Mr. Little, said amendment was laid on the table.

Messrs. Little, Callahan, and Goodwin then offered the following substitute for the Bill, S. B. 132, to-wit:

SUBSTITUTE FOR S. B. 132

A BILL
TO BE ENTITLED
AN ACT

To amend Section 41-16-50, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the statute which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00; and to further provide for the awarding of contracts to resident bidders.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-50, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-16-50. (a) All expenditure of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property, involving \$2,000.00 or more, made by or on behalf of the Alabama state docks department, any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; provided, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or an instrumentality thereof, or within the municipality, where the municipality or an instrumentality thereof is the awarding authority, or within the state, where the state or an instrumentality thereof is the awarding authority, which such bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to such resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

"(b) The governing bodies of two or more contracting agencies, as hereinabove enumerated, within the same county or adjoining counties, may provide by joint agreement for the purchase of labor, services or work, or for the purchase or lease materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar ordinances, in the case of municipalities, or resolution, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property to be purchased, the manner of advertising for bids and of

awarding of contracts, the method of payment by each participating contracting agency and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and such agent shall have the responsibility to comply with the provisions of this article. It is provided further that purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Denton	Keener	Proctor
Bailey	Figures	Kirkland	Robertson
Barron	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Callahan	Hall	Martin	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White

—31

Nay: Mr. McDonald. —1

And said Bill, S. B. 132, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	St. John
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener		

—33

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 24. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE.

Mr. Barron offered the following amendment to the Resolution, H. J. R. 24, to-wit:

AMENDMENT TO H. J. R. 24

Amend H. J. R. 24 Page 1 Line 15, by striking out the word "two" after the word "and", and inserting in lieu thereof its word "three".

Which was adopted.

And on motion of Mr. Barron, the Resolution, H. J. R. 24, as thus amended, was then concurred in and adopted by the Senate.

RESOLUTION

Messrs. Callahan, Glass, Figures and Gullledge offered the following Senate Resolution, to-wit:

S. R. 27. HONORING THE UNIVERSITY OF SOUTH ALABAMA JAGUARS BASKETBALL TEAM.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Dial, Sasser, McKee and Naramore:

H. 66. To amend Section 9-17-24 of the Code of Alabama 1975, so as to provide for the deposit of the oil and gas well permit fees into the state general fund; to provide for the transfer of all funds in the state treasury to the credit of the oil and gas fund to the credit of the general fund; and to provide for the abolition of the oil and gas fund.

Also:

By Rep. Pegues:

H. 67. To abolish the Board of Corrections and transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the penal and correctional institutions of this state; to provide that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; to repeal conflicting laws and specific statutes pertaining to the board of corrections, and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this Act.

Also:

By Reps. Dial and Hines:

H. 25. To amend Section 34-26-22, Code of Alabama 1975, by changing the biennial registration fee for licensed psychologists to an annual registration fee of \$50.00; to amend Section 34-26-43, Code of Alabama 1975, by

increasing the application fee for permanent licenses as psychologists to \$125.00; and to provide for an examination fee for candidates for licensure as psychologists not to exceed \$100.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 66. To the Committee on Finance and Taxation.

H. B. 67. To the Committee on Judiciary.

H. B. 25. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (with notice and proof):

H. 91. To amend the title and Section 1 of Act No. 481, H. 1136, Regular Session 1977 (Acts 1977, p. 628), entitled, "An Act Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date," so as to provide that the annual salary of the superintendent of education shall be set at a figure of not less than \$5,000 nor more than \$10,000 more than the highest paid principal in the county and giving the board of education discretion in granting expenses.

I hereby certify that the Notice & Proof is attached to the bill, H. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 169. Relating to Conecuh County; to provide for an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the bill, H. B. 169, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb:

H. 170. To repeal Act No. 83, H. 86, First Special Session 1977 (Acts 1977, p. 1525), entitled, "An Act Relating to all counties having populations not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; providing a civil service system

based on merit to govern the appointment, removal, tenure, and official conduct of full-time law enforcement officers of any such county and the municipalities therein; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Also:

By Rep. Hammett (with notice and proof):

H. 204. Relating to Covington County; to authorize the county board of education to appoint the superintendent of education for the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 204, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Hammett and Daniels:

H. 145. To repeal Act No. 899, H. 1673, approved September 7, 1971, Regular Session 1971 (Acts 1971, page 1663), entitled "An Act To authorize county boards of education in all counties having a population of not less than 34,000 nor more than 34,800, to appoint the superintendent of education for such counties."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 91, 169, 170, 204 and 145. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Greer, Starkey and Coburn:

H. 185. Proposing an amendment to the Constitution of Alabama to authorize the abolition and creation of certain offices in Lauderdale County.

Also:

By Rep. Biddle:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the

termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Also:

By Reps. Pegues, Waggoner and Lewis:

H. 85. To amend Section 41-16-100 of the Code of Alabama 1975.

Also:

By Rep. Cates:

H. 186. Amending Section 34-13-20 of the Code of Alabama 1975 to provide further for the membership of the board of funeral services so as to require rotation of representation on said board.

Also:

By Reps. Carter and Roberts:

H. 133. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 185. To the Committee on Local Legislation No. 1.

H. B.'s 157, 85 and 133. To the Committee on Finance and Taxation.

H. B. 186. To the Committee on Governmental Affairs.

(The above numbered Bill, H. B. 185, was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turnham, Daniels, Dixon, Bennett, Albright, Smith (C) and McKee:

H. 178. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teacher's Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

By Reps. Manley and Clark:

H. 194. To amend Section 36-25-4 of the Code of Alabama 1975 relating to powers and duties of the state ethics commission so as to prohibit said commission from investigating certain complaints regarding public officials.

Also:

By Reps. Campbell and Willis:

H. 201. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

Also:

By Rep. Clark:

H. 74. To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships from maintaining any action, suit, or proceeding until after registration; establishing an effective date.

Also:

By Rep. Gafford:

H. 37. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Also:

By Rep. Manley:

H. 196. To amend sections 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of the Code of Alabama 1975 relating to security interests so as to extend the time period for perfecting security interests in order to obtain priority over other creditors.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 178. To the Committee on Finance and Taxation.

H. B.'s 194, 74, 37 and 196. To the Committee on Judiciary.

H. B. 201. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark:

H. 75. To amend subsection (f) of § 12-14-70, Code of Alabama, 1975, which section relates to appeals from municipal courts to the circuit court and to fix the responsibilities of the municipal courts in the event of dismissal of appeals and to establish procedures for entering judgments of default on appeal bonds.

Also:

By Reps. Clark and Manley:

H. 78. To amend Code of Alabama 1940, Title 51, Section 618, as amended, which section relates to the recordation of deeds, bills of sale and instruments of other like character so as to exempt from the payment of deed taxes certain conveyances of real property made between one or more persons to themselves for the purpose of creating a right of survivorship.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 75 and 78. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 6. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

Also:

By Rep. Smith (J):

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

Also:

By Rep. Biddle:

H. 8. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 6, 38 and 8. To the Committee on Judiciary.

ADJOURNMENT

At 3:30 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, May 1, 1979, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY

TUESDAY, MAY 1, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillian presiding.

PRAYER

The Session was opened with prayer by Dr. Kenneth Wayne Fields, Pastor, Killen Memorial Baptist Church, Killen, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 11. TO REPEAL ACT NO. 974, H. J. R. 166, REGULAR SESSION 1973, NAMING THE COOSA RIVER BRIDGE ON HIGHWAY 77 AT SOUTHSIDE, ALABAMA AFTER STATE SENATOR RICHARD MALONE.

Also:

S. J. R. 15. ADVOCATING THE ELIMINATION OF THE STATUTE OF LIMITATIONS ON NAZI WAR CRIMINALS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 40. Relative to meeting days; Tuesday, April 24, 1979; Thursday, April 26, 1979; Tuesday, May 1, 1979 and Thursday, May 3, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 51. CREATING A COMMITTEE TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

Also:

H. J. R. 54. NAMING THE MULTI-USE BUILDING AT SOUTHERN UNION STATE JUNIOR COLLEGE IN WADLEY, ALABAMA, "THE VERNON L. CARTER BUILDING."

Also:

H. J. R. 59. TO AMEND ACT NO. 79-7, PROVIDING ADDITIONAL PER DIEM EXPENSE ALLOWANCES FOR LEGISLATORS AND CREATING A COMPENSATION STUDY COMMISSION SO AS TO EXTEND THE TIME OF STUDY BY SUCH COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hall (with notice and proof):

S. 252. Relating to the pension system established by Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 for the employees and officers of Jefferson County, Alabama (Ala. Acts, 9 of said Act 497, as amended, requires the members thereof and the County to make to the pension fund established for the operation of the pension system; to authorize the County Commission of Jefferson County, Alabama, to adopt rules providing that any member of the pension system may revoke any limitation which the member has elected to impose on the amount of his monthly salary which shall be considered for pension purposes, and providing that upon any member's revoking any such limitation his entire monthly salary shall be considered for pension purposes; to provide that such rules may provide for such revocation to apply retroactively; to provide that such rules shall prescribe the payments a member and the County shall make to the pension fund to effect such revocation; to provide that such rules may make such revocation apply retroactively; to provide that such rules shall state the extent to which a member's benefit from the pension system shall be increased as a consequence of such member's electing to become subject to the total salary proviso; and to provide that the County Commission shall be authorized to amend or repeal any such rule.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 252, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hall:

S. 253. To amend further Section 16-13-52 of the Code of Alabama 1975 relating to apportionment of the public school minimum program fund so as to change the method of determining the number of teacher units for the purpose of apportioning such fund.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 254. To amend Section 20-2-90 of the Code of Alabama 1975, which relates to the enforcement of the Alabama Uniform Controlled Substances Act, so as to give alcoholic beverage control board agents and narcotics

officers of the Department of Public Safety certain powers in regard thereto, and to give the above agents and officers enforcing the Act certain further law enforcement powers.

Committee on Judiciary.

By Messrs. Vacca, Bailey, Miller, Gullledge, and Proctor:

S. 255. To make legislative findings regarding the shortage in the state of facilities for the care and housing of elderly, physically disabled, mentally ill or mentally retarded persons, orphans or other persons requiring special care and of the investment funds needed to finance the purchase, construction and rehabilitation of such facilities; to define the particular terms used in the substantive provisions of this act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and political subdivisions of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of the members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users to enable such users to acquire facilities; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any pledge of revenues made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of any such authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in this state each such authority, its property, corporate activities, income, revenues, notes and bonds, the income from its notes and bonds, and the leases, mortgages and deeds of trust to which such authority is a party; to exempt any such authority from all laws of the State governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the State requiring competitive bids for contracts to be entered into by municipalities or public corporations; to

provide for the liberal construction of the provisions of this Act; to provide that any county, municipality, or other political subdivision, agency or instrumentality of the state may aid and cooperate with, lend or donate money or perform services for the benefit of, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant to any such authority and property of any kind, for use by such authority in connection with the achievement of any of its corporate purposes pursuant to the provisions of this Act; to provide that any such authority shall be a nonprofit corporation; to provide that any such authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to provide for the procedure for the dissolution of any such authority and the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Committee on Governmental Affairs.

By Messrs. Mitchem and Kirkland:

S. 256. To amend § 9-14-5, Code of Alabama 1975, so as to require the Alabama State Highway Department to repair and maintain all roads and bridges described therein.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Parsons:

S. 257. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

Committee on Judiciary.

By Messrs. Smith, Cook, McDonald, Mitchem, Taylor, Holmes, Keener, Denton, and Britnell:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Committee on Governmental Affairs.

By Mr. Proctor:

S. 259. To amend §22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 260. To further amend Chapter 24 of Title XVI of the Code of Alabama of 1975, as amended, in relation to definition of teacher; the eligibility for continuing service status as a teacher or continuing service status as a supervisor; a fair evaluation procedure for probationary employees; a date certain for notification of transfers of continuing service status employees; salary entitlements for certified employees during periods of suspension or judicial and quasi-judicial review; and the requirement of a recommendation by a superintendent of education prior to non-reemployment of employees; to further amend Sections 16-24-30, 16-24-31, 16-24-32, and 16-24-38 of the Code of Alabama 1975, as amended, in relation to the composition, size, appointment provisions, and meetings of the Alabama State Tenure Commission.

Committee on Education.

By Messrs. Bailey and Miller:

S. 261. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Miller:

S. 262. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend §8-15-1 which defines a "public warehouse"; amend §8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and §8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend §8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Harrison and Robertson:

S. 263. To prohibit the possession or carrying of firearms in, about or upon any premises where alcoholic beverages are sold or at any such premises which is licensed for such purposes by any agency of the State of Alabama or by any county, municipality or political subdivision thereof, and to provide a form indictment for same.

Committee on Judiciary.

By Messrs. Harrison, Robertson, Barron, and Kirkland:

S. 264. To amend Act No. 563, S. 8, Acts of Alabama 1965, Regular Session, at pages 1049-1050, as amended by Act No. 725, S. 82, Acts of Alabama 1967, Regular Session, at pages 1560-1561, as amended and re-enacted by Act No. 1124, H. 788, Acts of Alabama 1975, Regular Session, at pages 2213-2219, relating to the reporting of incidents of abuse or neglect of children: by amending Section 1 to include district attorney or county solicitor of the county in which the observation of child abuse or neglect is made to the definition of "duly constituted authority"; by amending Section 3, which involves mandatory reporting to require the department of pensions and security to report child abuse or neglect to the Chief of Police of a city or city and county, followed by a full written report; or to the sheriff if the observation of child abuse or neglect is made in an incorporated territory, followed by a full written report; and, further to require the department of pensions and security to report child abuse or neglect to the district attorney or county solicitor of the county in which the observation of child abuse or neglect is made, followed by a full written report.

Committee on Judiciary.

By Messrs. Harrison, Robertson, Barron, and Kirkland:

S. 265. To provide for and set penalties for repeat, career and/or habitual felony offenders.

Committee on Judiciary.

By Messrs. Harrison, Robertson, and Kirkland:

S. 266. To provide penalties for the felonious assaulting of another person.

Committee on Judiciary.

By Messrs. Smith and McDonald:

S. 267. To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

Committee on Governmental Affairs.

By Messrs. Kirkland, deGraffenried, Proctor, and Harrison:

S. 268. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,500.00 in cases in the trial courts, \$1,500.00 in cases appealed to the Supreme Court or Court of Criminal Appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; and further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the Fair Trial Tax Fund.

Committee on Judiciary.

By Mr. Callahan:

S. 269. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 270. To amend Title 16, Section 24, Sub-Section 5, of the Code of Alabama, 1975 so as to provide further for the transfer of teachers.

Committee on Education.

By Mr. Callahan:

S. 271. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to determine teacher units on the basis of "Average Daily Membership".

Committee on Finance and Taxation.

By Mr. Callahan:

S. 272. To conditionally appropriate One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars from the Special Education Trust Fund for the purpose of establishing an educational television studio in Mobile County.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 273. To amend Title 16, Section 13, Subsection 1 of the Code of Alabama, 1975 so as to change the fiscal year for all boards of education.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 274. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to provide additional teacher units.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 275. To provide a hearing committee for school boards for the purpose of hearing contested contract cancellations of teachers on continuing service status in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Committee on Local Legislation No. 1.

By Mr. Callahan:

S. 276. To provide a tax credit on state income tax liability for Alabama taxpayers who install solar energy systems on their homes.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 277. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to provide additional teacher units and to provide for the method of determining teacher units.

Committee on Finance and Taxation.

By Mr. Glass:

S. 278. To authorize all local boards of education to pay retiring teachers a lump sum for their accumulated sick leave upon retirement.

Committee on Education.

By Mr. Glass:

S. 279. To provide for the payment of funds by the State Department of Education to the respective local boards of education.

Committee on Finance and Taxation.

By Mr. Glass:

S. 280. To authorize local boards of education to appoint an individual in the personnel department to accept resignations of employees.

Committee on Education.

By Mr. Glass:

S. 281. To amend Title 16, Section 9, Subsection 11 of the Code of Alabama, 1975 so as to provide further for the filling of vacancies in local superintendent of education positions.

Committee on Education.

By Mr. Glass:

S. 282. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

Committee on Education.

By Mr. Proctor:

S. 283. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Committee on Health and Welfare.

By Messrs. White, Proctor, Teague, Weeks, Harrison, Denton, Higginbotham, Vacca, Hall, Gullledge, Glass, Taylor, Parsons, Keener, and Holmes:

S. 284. To create a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical

aspects of driver licensing; to outline the functions and responsibilities of the board; provide for the confidentiality of related reports and immunity from legal actions.

Committee on Health and Welfare.

By Mr. White:

S. 285. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

Committee on Business and Insurance.

By Messrs. White, Proctor, Kirkland, Harrison, Britnell, Miller, Smith, deGraffenried, and Barron:

S. 286. To repeal Sections 34-24-1, 34-24-2, 34-24-3, 34-24-4, 34-24-5, 34-24-6, 34-24-20, 34-24-21, 34-24-22, 34-24-23, 34-24-24, 34-24-25, 34-24-26, 34-24-27, 34-24-28, 34-24-29, 34-24-30, 34-24-31, 34-24-32, 34-24-33, 34-24-34, 34-24-35, 34-24-36, 34-24-37, 34-24-38 and 34-24-39 of the Code of Alabama, 1975; and further to provide that the State Board of Chiropractic Examiners shall have the same powers and authority with regard to chiropractors as was previously held by the State Licensing Board for the Healing Arts.

Committee on Health and Welfare.

By Messrs. White, Proctor, Kirkland, Harrison, Holmes, Britnell, Miller, Smith, deGraffenried, and Barron:

S. 287. To create a commission to be known as the State Licensing Commission for Physicians and Osteopaths, "Commission"; to provide for the composition of the Commission; to provide for the Chairman of the Commission and give the Chairman the right to vote; to give the Commission the exclusive power and authority to issue and revoke all licenses authorizing the licensee to practice medicine or osteopathy in the State of Alabama; to provide the Commission with a rule making power; to require the Commission to receive and consider the recommendation of the Alabama State Board of Medical Examiners, "Board"; to provide that all personnel and facilities necessary for the administration and enforcement of this Act shall be furnished by the Alabama State Board of Medical Examiners; to provide for the depositing of all money, funds, fees, charges, and other receipts to be paid to the Alabama State Board of Medical Examiners; to provide for the manner of deposit and disbursement of such funds; to provide for the establishment of a separate fund to be drawn against solely for the purposes of this Act and any other law granting authority to the Board to certify or regulate physicians or osteopaths; to give the Board the power to direct the disbursement of said funds; to provide for the payment of all compensation, expenses and charges incurred for the purposes of this Act or any other law or laws granting authority to the Board from said fund; to provide for the method of payment; to provide for the appropriation of funds from such separate fund; to provide that no compensation, expenses or charges incurred under this Act or any other law or laws granting authority to the Board shall be a charge against the general funds of this State, and no part of the special fund herein provided shall revert to the general funds of the State; to provide that fees and charges provided for in this Act shall be in addition to any licenses which are now or may hereafter be levied on behalf of the State or any political subdivision

thereof; to provide that the accounts of the Board shall be audited in the same manner as the accounts of other State agencies; to provide for the compensation of the members of the Commission and the Board; to provide for the payment of all necessary and legitimate expenses incurred by the members of the State Licensing Commission for Physicians and Osteopaths and the members of the Alabama State Board of Medical Examiners; the Board is authorized to employ investigators, inspectors, attorneys, agents, and any other employees and assistants or to use any other means necessary to aid the Commission in bringing about and maintaining a rigid administration and enforcement of this Act; to authorize the Board to incur reasonable and necessary expenses; to authorize the Commission and the Board to call upon the Attorney General, District Attorneys or other prosecuting attorneys of the State in various circuits and counties to assist the Commission and the Board without charge or additional compensation; to place the duty on the Board to issue a certificate of qualification to the Commission certifying each applicant for a license who has successfully passed the examination given by the Board or whose application for license or certificate of qualification by reciprocity has been acted upon favorably by the Board or whose application for certificate of qualification without examination has been acted upon favorably by the Board; to provide a right of appeal to the Commission from the Board by an applicant whose application was not acted upon favorably by the Board, to provide for the certification of a license by reciprocity; to provide for the fee for such certification; to provide for the issuance of a new license where the original has been lost or destroyed; to provide for the issuance for a new certificate of qualification to the licensee whose name has changed by marriage or court order; to provide a fee for the reissuance of a certificate of qualification; to require the Board to issue certificates of qualification to qualified applicants and to provide the issuance of a license by the Commission to such applicant if the Commission finds the applicant is of good moral character unless it appears to the Commission that there is other good and reasonable cause for refusing to issue such license; to state the purpose of the Act to give the Commission an over all supervision, discretion and judgment with respect to the issuance of licenses authorizing the licensee to practice medicine or osteopathy within the State of Alabama; to provide for the design of the license and require that such licenses be dated and numbered in the order of issuance and be signed by the Executive Officer of the Commission and the Chairman of the Board; to require that the Commission promptly notify an applicant if it denies the application and require the Commission to give the reason for its denial; to require that the fee for the denied application not be refunded to reimburse the State for expenses incident to the investigation of the applicant; to place a duty on the Board to promote continuing medical education of all physicians and osteopaths licensed by the Commission and empower the Board to spend a portion of its funds for carrying out this purpose; to specifically empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by the provisions of any law requiring competitive bidding; to require that such programs be open to all licensed physicians and osteopaths without regard to membership in any professional organization; to provide for the registration of persons licensed to practice medicine or osteopathy in the State of Alabama; to provide for the charging of a fee for such registration; to provide for the automatic revocation of the license of the person who fails to register and pay the annual registration fee within thirty (30) days after registration becomes due; to provide for the reinstatement of such license upon payment of all past due renewal fees and upon the further payment of a penalty; to provide for the issuance of a certificate of registration and to specify its contents; to require any registrant

to notify the Commission within fifteen (15) days after a change of address; to relieve from the requirement of registration any person who retires from the practice of medicine or osteopathy; to exempt from registration commissioned officers in the medical corps of the Army, the Navy, the Air Force or the Public Health Service of the United States during the term of their commission; to authorize the Board to furnish employees for the Commission including the Executive Officer; to authorize the Board to continue to collect fees for examinations, certificates of qualification, and such other fees as are authorized by law or this Act; to authorize the Commission to commence and maintain its own name an action in the nature of quo warranto against any person who is unlawfully practicing medicine or osteopathy without a license; to provide for the issuance of the injunction upon proof that the person has now or has in the past engaged in the unlawful practice of medicine or osteopathy without requiring proof of actual damage sustained by any person; to provide that an injunction so issued shall not relieve any person, corporation, or association, nor the officers or directors thereof, from criminal prosecution for the unlawful practice of medicine; to provide that no provision of this Act, except as provided in Section 34, shall be construed as repealing any other law with reference to the requirement regulating the practice of medicine or osteopathy except insofar as the same may conflict with the provisions of this Act; to state the purpose of the Act to vest exclusively in the Commission the power to issue all licenses and certificates of registration to practice medicine or osteopathy; to require the recording of licenses in the Office of the Judge of Probate; to provide penalties for the unlawful practice of medicine; to give the Commission the power and duty to suspend or revoke any license to practice medicine or osteopathy in the State of Alabama upon a finding on the basis of substantial evidence of the guilt of the licensee of any of the following acts or offenses: (1) fraud in applying for or procuring a certificate of qualification to practice medicine or osteopathy or a license to practice medicine or osteopathy in the State of Alabama, (2) immoral, unprofessional or dishonorable conduct, (3) practicing medicine or osteopathy in such a manner as to endanger the health of the patients of the practitioner, (4) conviction of a felony; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence, (5) conviction of any crime or offense which reflects the inability of a practitioner to practice medicine or osteopathy with due regard for the health or safety of his patients; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence, (6) conviction for any violation of a federal or state law relating to controlled substances; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence, (7) use of any untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of his proposed treatment, (8) distribution by prescribing, dispensing, furnishing, or supplying of controlled substances to any person or patient for any reason other than a legitimate medical purpose, (9) gross malpractice or repeated malpractice or gross negligence in the practice of medicine or osteopathy, (10) division of fees or agreement to split or divide the fees received for professional services with any person for bringing or referring a patient, (11) making use of any advertising statements of a character tending to deceive or mislead the public, (12) soliciting patients or employing any person to solicit patients, (13) aiding or abetting the practice of medicine by any person not licensed by the Commission, (14) making a fraudulent Medicare or Medicaid claim, or a fraudulent claim to any third party payor, (15) the suspension or revocation by another state of a license to practice medicine, based upon acts by the

licensee similar to acts described in this section; a certified copy of the record of suspension or revocation of the state making such a suspension or revocation is conclusive evidence thereof, (16) refusal to appear before the Alabama State Board of Medical Examiners after having been formally requested to do so in writing by the Executive Director, (17) making any fraudulent or untrue statement to the Commission or to the Alabama State Board of Medical Examiners, (18) being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition; to give the Board authority to require a mental, physical, or laboratory examination or any combination of any such examinations of any physician when the issue before the Board is the physical or mental capability of the person to practice medicine or osteopathy with reasonable skill and safety to patients; to provide that the expense of such examination be borne by the physician or osteopath so examining; to provide that the acceptance of the privilege of practicing medicine or osteopathy in the State of Alabama, by actually practicing or by the making and filing of an annual registration constitutes consent to submit to such examinations; to provide for a waiver of all objections to the admissibility of the examining physician's testimony or reports on the grounds that they constitute privilege doctor-patient communications; to give the Board authority to investigate evidence on its own motion; to require physicians and osteopaths to report information to the Board which appears to show that any other physician or osteopath may be guilty of any of the acts, offenses or conditions set out above; to grant immunity from suit to any physician, osteopath or other person who in good faith makes such a report to the Board of the Commission; to give the Board the authority to request a formal interview with the physician; to provide as a ground for suspension or revocation the refusal of a physician or osteopath to appear for such interview; to specify the procedures for conducting a proceeding for suspension or revocation of a license to practice medicine or osteopathy in the State of Alabama; to provide for the temporary suspension of a license without a hearing simultaneously with the institution of proceedings for a hearing on the request of the Board if the Board finds that evidence in its possession indicates that a physician's or osteopath's continuation in practice would constitute an immediate danger to his patients or the public; to provide for a physician or osteopath to request in writing that voluntary restrictions be placed on his certificate of qualification; to provide for the removal of a voluntary restriction; to require the Commission to also place the restriction on the physician's or osteopath's license; to require the Commission to request and consider a recommendation from the Board prior to taking action subsequent to a hearing; to enable the Commission to take various actions upon a finding of guilt including the requirement that the physician or osteopath submit to care, counselling or treatment by physicians designated by the Commission; to require that the expense of such care, counselling, or treatment be borne by the physician or osteopath on probation; to authorize the Commission to modify the conditions of probation; to prohibit a physician or osteopath whose license is suspended from practicing medicine during the term of suspension; to make it unlawful for a person whose license has been suspended or revoked to practice his profession in this State; to provide for the reissuance of a license; to require the Commission to request and consider the recommendation of the Board prior to reissuance; to authorize the Commission to subpoena witnesses as well as the production of books, papers, or documents at its hearing; to give the Board authority to subpoena witnesses and command the production at any of its meetings of books, documents, records, and papers; to authorize the Board, by order of its Chairman or Executive Director, to require any person to produce at such reasonable time and place as

it may designate any books, documents, records, or papers, or certified copies thereof, whenever the production thereof is reasonably required and pertinent to any matter under investigation before the Board, in order that an examination thereof may be made by the Board, or by any person employed by the Board; to authorize the Board to utilize the contempt powers of the Circuit Courts and Judges of this State to compel the compliance with subpoenas or the testimony or answers as to any matter regarding which a witness may lawfully be interrogated; to provide for the payment of witnesses; to provide for the issuance of depositions; to set a quorum of the Commission; to provide an appeal from an order of suspension or revocation by the Commission to the Supreme Court of the State of Alabama; to require the filing of a transcript of testimony and a bond for cost within thirty (30) days after the order of suspension or revocation has been made; to provide for the issuance of a citation by the clerk of such court to the Chairman or acting Chairman of the Commission; to provide for the style of the case in the appeal; to provide for the processing of the appeal; to prohibit the reversal of such case if the order of the Commission is supported by the transcript of testimony; to provide for the express repeal of existing code sections; to provide a severability clause; to provide for the repeal of conflicting laws; and to set an effective date.

Committee on Health and Welfare.

By Mr. Pearson:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 289. To authorize the Director of the Finance Department with the Governor's approval in certain instances to transfer certain assets of the state insurance fund to the general fund.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 61. CREATING A JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study salaries, fringe benefits, social security benefits, retirement benefits, insurance, supernumerary status and related matters of employees of both public and private enterprise.

Said committee shall have the power to subpoena records and direct government agencies to cooperate with the committee. Said committee shall also have power to punish for contempt.

Said committee shall consist of four members of the House of Representatives to be appointed by the Speaker of the House of Representatives and four members from the Senate to be appointed by the President of the Senate. The members shall select a chairman from among themselves. The committee shall meet upon the call of the chairman, but meetings shall be called only when absolutely necessary. The committee members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day said members attend a meeting of the committee. Said compensation shall be paid out of any funds appropriated to the use of the legislature. Said committee shall report their findings and recommendations to the legislature by the first legislative day of the 1980 Regular Session. The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 61, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

H. J. R. 18. NAMING THE PERFORMING ARTS CENTER AT LURLEEN B. WALLACE STATE JUNIOR COLLEGE, "THE MARTHA AND SOLON DIXON CENTER FOR THE PERFORMING ARTS."

WHEREAS, the Legislature of Alabama, in grateful acknowledgement, expresses deep appreciation for the magnificent gift of \$500,000.00 by Mr. and Mrs. Solon Dixon of Andalusia to Lurleen B. Wallace State Junior College for the construction of facilities for the performing arts, art exhibits, receptions and classrooms; the on-campus center will be utilized by the LBW Community Arts Council and by the college's Speech and Drama Department; and

WHEREAS, this is the second such gift of munificence in recent months to educational institutions in Alabama; Mr. and Mrs. Dixon's earlier benefaction to Auburn University and this most recent gift to Lurleen B. Wallace State Junior College will both serve to further provide opportunity and motivation to our state's young men and women in whom lie our hopes and dreams for future progress and prosperity for all Alabama; and

WHEREAS, the Dixon name, in Covington County and surrounding areas, has long been synonymous with generosity and community involvement; Martha and Solon Dixon, continuing for a second generation the philanthropy of his father, N. B. Dixon, have given abundantly of their time and personal wealth to the benefit of the First United Methodist Church to which they both belong and to the Andalusia Hospital which Solon Dixon serves as a member of the Board of Directors; and

WHEREAS, the Alabama State Department of Mental Health is yet another of numerous recipients of this prominent family's largess, as the Ellis Gunter Dixon Mental Health Headquarters, serving four area counties, is located on land donated by the Dixon estate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in perpetual tribute to the generosity of Martha and Solon Dixon, we hereby name and designate the performing arts center to be built on the campus of Lurleen B. Wallace State Junior College, "The Martha and Solon Dixon Center for the Performing Arts."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building as "The Martha and Solon Dixon Center for the Performing Arts."

RESOLVED FURTHER, That Mr. and Mrs. Dixon receive a copy of this resolution that they may be aware of this honorary designation and of our esteem for their deep commitment of service to their fellowman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 18, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Reed, Carothers, Hilliard, Howard, Nevett, Jackson, Horn, Rains, Parker, Zoghby, and Kennedy (Y):

H. J. R. 66. RECOGNIZING REPRESENTATIVE GEORGE G. SEIBELS, JR., FOR OUTSTANDING SERVICE AS A MEMBER OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

WHEREAS, our friend and colleague, Representative George G. Seibels, Jr., of Birmingham, and former mayor of that city for eight years, is a member of the President's Committee on Employment of the Handicapped, having served continuously since his appointment some nine years ago; and

WHEREAS, George Seibels is to be commended indeed for his membership, by presidential appointment, to this select and prestigious committee; it is a distinguished honor to have been chosen to serve and, having assumed this responsibility, Mayor Seibels has, through the years discharged his numerous and momentous duties with outstanding ability; and

WHEREAS, during his tenure with the committee, Representative Seibels has attended four annual meetings and will attend this year's upcoming meeting scheduled for May 2-4 in Washington, D. C.; and

WHEREAS, as Mayor Seibels is now our distinguished colleague, it is the desire of this body that, in attending the annual meeting of the President's Committee on Employment of the Handicapped, George G. Seibels, Jr., will also represent the Legislature of Alabama; his attendance, however, will be at no expense whatsoever to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend George G. Seibels, Jr., for outstanding service as a member of the President's Committee on Employment of the Handicapped.

BE IT FURTHER RESOLVED, That Mayor Seibels, at the next annual meeting of the committee, will also serve as a representative of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 66, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 41. HONORING PROFESSOR ROBERT G. PITTS UPON HIS RETIREMENT.

Also:

By Reps. Gafford, Smith (J), Smith (M), Hall, Riddick, and Albright:

H. J. R. 73. COMMEMORATING THE TENTH ANNIVERSARY OF THE APPOLO II MOON LANDING.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 41 and 73, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 74. REQUESTING THE UNITED STATES CONGRESS TO RENEW, FOR AN ADDITIONAL FOUR YEARS, THE GENERAL REVENUE SHARING PROGRAM TO STATE AND LOCAL GOVERNMENTS.

WHEREAS, the General Revenue Sharing Program, since 1972, has returned over \$55 billion to approximately 39,000 units of state and local governments throughout the nation; and

WHEREAS, the General Revenue Sharing Program offers these states and localities the widest use of federal tax dollars while, at the same time, enhances cherished American principles of Federalism; and

WHEREAS, the General Revenue Sharing Program has proven to be both a fair and economical means of returning taxpayer dollars to state and local governments; and

WHEREAS, the Revenue Sharing Program is essential to the financial stability of the state and localities; and

WHEREAS, the General Revenue Sharing Program is due to expire on September 30, 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Congress of the United States of America to give early and prompt consideration to the renewal of the General Revenue Sharing Program for an additional four years.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched to the President of the United States, to the presiding officers of both the United States Senate and House of Representatives, and to each member of the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 74, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FILED

Pursuant to the provisions of S. J. R. 9, First Special Session 1979, the report of the Continuing Joint Fiscal Study Committee was read and ordered filed with the Secretary.

BILL RE-REFERRED

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following Bill, S. B. 225, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 225, re-referred to the Standing Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Venable and Grouby:

H. J. R. 35. COMMENDING THE WETUMPKA HIGH SCHOOL BASKETBALL TEAM ON WINNING THE 3A STATE CHAMPIONSHIP.

Also:

By Reps. Venable and Grouby:

H. J. R. 36. CONGRATULATING ELMORE COUNTY HIGH SCHOOL, THE 1978 STATE 2A FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolutions, H. J. R.'s 35 and 36, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 11. TO REPEAL ACT NO. 974, H. J. R. 166, REGULAR SESSION 1973, NAMING THE COOSA RIVER BRIDGE ON HIGHWAY 77 AT SOUTHSIDE, ALABAMA AFTER STATE SENATOR RICHARD MALONE.

Also:

S. J. R. 15. ADVOCATING THE ELIMINATION OF THE STATUTE OF LIMITATIONS ON NAZI WAR CRIMINALS.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake (with notice and proof):

H. 47. Relating to St. Clair County; to amend Section 16 of Act No. 1728, H. 2522 (Acts of Alabama, 1971, p. 2889), relating to the construction, repair and maintenance of roads in St. Clair County and to the duties of the county commission, so as to further provide for the travel expenses of the chairman and the members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 47, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 249. Relating to Colbert County; providing further for the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 249, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 310. Relating to Washington County; declaring motor vehicles, guns, other firearms, and ammunition used in the illegal act of discharging a firearm along or across any public road in Washington County to be contraband; and providing, in addition to all other penalties provided for by law, that upon conviction for such offense, the proceeds from the condemnation and sale of said contraband shall be deposited in the state treasury for the benefit of the State of Alabama and Washington County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 310, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 311. Relating to Washington County; further providing for the expense allowances of certain county officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 311, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 312. Relating to Washington County; to abolish the hunting of wild turkeys in the fall months.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 312, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 313. Relating to Washington County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 313, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray (with notice and proof):

H. 333. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 333, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray (with notice and proof):

H. 334. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 334, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial:

H. 338. To amend Section 34-5-15 of the Code of Alabama 1975, as last amended, so as to add Cleburne County to the list of those counties to which Chapter 5 of Title 34 of the Code of Alabama (statewide barber's act) does not apply; it provides that if any section or part of Chapter 5 is declared unconstitutional, then the entire Chapter shall be null and void.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 47, 249, 310, 311, 312, 313, 333, 334 and 338. To the Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit: By Mr. Gulledge (with notice and proof):

S. 213. Relating to Washington County; to provide that the county commission of Washington County shall meet on the second and fourth Tuesday each month and at such other times as deemed necessary by said county governing body provided advance public notice be given by publication in a newspaper of general circulation in Washington County; and to repeal Act No. 224, H. B. 764 of the 1884-1885 Session.

By Mr. Gulledge (with notice and proof):

S. 246. To amend the title and Sections 2, 4, and 8 of Act No. 142, S. 353 (Acts 1951, p. 374-378), relating to the construction, maintenance and repair of Baldwin County roads and bridges so as to empower the county commission with the authority to hire a county engineer and to prescribe the procedure for the transfer of county monies to the State Highway Department as needed for the construction, maintenance and repair of such county roads and bridges.

RESOLUTIONS

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. ENCOURAGING THE U.S. CONGRESS TO DESIGNATE THE AMERICAN MARIGOLD AS THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES.

WHEREAS, the United States is the only major country in the world without a floral emblem; and

WHEREAS, each of the fifty states of the United States, in addition to its state flag, has a floral emblem which it cherishes as its own; and

WHEREAS, the people of the United States have adopted the American Flag and the American Eagle to represent the virtues of this country; and

WHEREAS, peoples of the world have adopted emblems for their countries, representative of their national virtues; and

WHEREAS, the American marigold represents the character of the United States more appropriately as a floral emblem than any other flower in that the marigold is an American native that grows in abundance in gardens of every state and grows easily and quickly from seed; the marigold, acknowledged as a symbol of religious faith, also represents beauty and rugged humility of character and, like the American Eagle and the American Flag, it is an exclusively American emblem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the Congress of the United States to designate the American marigold as the national floral emblem of the United States and also encourage the President of the United States to declare such fact by proclamation.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to President Carter and to each member of the Alabama Congressional Delegation that they may be aware of Alabama Legislature's endorsement of this cause.

Which was read and referred to the Standing Committee on Rules.

Mr. Barron offered the following Senate Resolution, to-wit:

S. R. 29. HONORING THE STATE KNIGHTS OF COLUMBUS ON THE OCCASION OF THEIR SEVENTY-FIFTH ANNIVERSARY.

Which was adopted.

Mr. Proctor offered the following Senate Resolution, to-wit:

S. R. 30. COMMENDING MR. IRA BLANCHARD OF SYLACAUGA, ALABAMA, TRUCKER OF THE YEAR.

Which was adopted.

Mr. Proctor then offered the following Senate Resolution, to-wit:

S. R. 31. COMMENDING MRS. MARGIE WINGARD ON HER ELECTION TO THE TEACHER HALL OF FAME.

Which was adopted.

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. MEMORIALIZING CONGRESS TO CALL A CONSTITUTIONAL CONVENTION TO PROPOSE A PRO-LIFE AMENDMENT.

WHEREAS, millions of abortions have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973, and

WHEREAS, the Congress of the United States has not proposed to date a "human life amendment" to the Constitution of the United States.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama, 1979 Regular Session, applies to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

BE IT FURTHER RESOLVED, that this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

BE IT FURTHER RESOLVED, that copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary

of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Alabama attesting the adoption of this concurrent resolution by the 1979 Regular Session of the Legislature of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 323. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 323. To the Committee on Finance and Taxation.

RESOLUTION

Messrs. Bailey, Miller, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. MOURNING THE DEATH OF MR. JAMES LOWELL ADAMS, SR., FORMER STATE SENATOR AND PROMINENT DOTHAN BUSINESSMAN.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. James Lowell Adams, Sr., on April 27, 1979, at the age of 63, following heart surgery at Emory University Hospital in Atlanta, Georgia; and

WHEREAS, Mr. Adams, who was a native of Houston County, was educated in the public schools in Dothan, Alabama; he was the founder of Adams Supply Company in Dothan, Selma and Ocala, Florida, and was serving as president of the company at the time of his death; and

WHEREAS, a Baptist, a Mason and a Rotarian, Jim Adams was also a director of the Alabama Cattlemen's Association and a member of the executive board of the Southeast Council of the Boy Scouts of America; and

WHEREAS, he further had served as president of the Board of Trustees of the Alabama Baptist Foundation, was a former board member of the Houston County Department of Pensions and Security and was former president of the National Peanut Festival; and

WHEREAS, from 1967 to 1970, our friend Jim Adams served in the Alabama Senate representing the twenty-sixth district of Houston and Dale Counties; he was a prominent member of this body who served his constituents and our state with utmost capability, diligence and devotion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of our friend and former colleague, James Lowell Adams, Sr., of Dothan, Alabama, and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Broma Phillips Adams, and to their two sons and three daughters, that they may know we deeply share the sorrow of their great loss.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 181. Relating to Lauderdale County: to provide the fee which may be charged by the Judge of Probate for celebrating the rites of matrimony and authorizing him to retain such fee for his personal use.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Clemon	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

Nays:

—0

The Bill:

S. 182. Relating to Lauderdale County: providing for an additional expense allowance for county commissioners.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Parsons	Teague
Callahan	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Lemaster	St. John	White
Figures	Little		

—25

Nays:

—0

The Bill:

S. 183. Relating to Lauderdale County: to provide further compensation and expense allowance for certain county officials.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Barron	Hall	McDonald	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Lemaster	St. John	White
Glass	Little		

—25

Nays: —0

The Bill:

S. 200. Relating to Tallapoosa County; providing for an additional fee for a pistol permit or license in the county; providing for the disposition of the proceeds from such fees, repealing conflicting laws and specifically repealing Act No. 642, H. 1522, Regular Session 1975 (Acts 1975, p. 1398); and providing for its retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Bailey	Figures	McDonald	Smith
Barron	Glass	Miller	Taylor
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Kirkland		

—25

Nays: —0

The Bill:

S. 222. To amend and reenact Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1045), which act establishes a policemen's and firemen's retirement fund for the city of Anniston, so as to provide further for the administration and operation of the retirement fund and for the payment of benefits to members of the police and fire departments and their dependents and survivors.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Clemon	Holmes	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 16. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Robertson	
Bailey	Gulledge	Miller	St. John	
Barron	Hall	Mitchem	Smith	
Clemon	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Weeks	
Denton	Little	Proctor	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 48. Relating to Lawrence County; providing an expense allowance payable from the county general fund, for the county coroner and making the provisions of this act retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Harrison	Parsons	Vacca	
Denton	Holmes	Pearson	Weeks	
Figures	Kirkland	St. John	White	
Glass	Little			—25

Nays: —0

The Bill:

H. 49. Relating to Lawrence County; authorizing the county commission to allow the sheriff to appoint a chief deputy and other deputies; and providing for the compensation of such deputies.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Parsons	Teague
Callahan	Holmes	Pearson	Vacca
Clemon	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 50. Relating to Lawrence County; providing for fixing the fee for issuance of a pistol permit and providing for the distribution and use of such fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Miller	Teague
Clemon	Harrison	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—25

Nays: —0

The Bill:

H. 79. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moundville in Hale County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Harrison	Mitchem	Vacca
Clemon	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

H. 83. To repeal Act No. 58, H. 39, approved April 13, 1955, Second Extraordinary Session 1955 (Acts of Alabama 1955, p. 170), entitled, "An Act Relating to Marion County; levying a county privilege license tax on electric and hydro-electric public utilities, providing for the collection and enforcement of such tax and for the distribution and use of the proceeds thereof." was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Smith	
Bailey	Goodwin	Little	Taylor	
Britnell	Hall	Martin	Teague	
Clemon	Harrison	Miller	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays:

—0

The Bill:

H. 158. Relating to Sumter County; providing further for the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Clemon	Harrison	Parsons	Weeks	
Cook	Holmes	Robertson	White	
deGraffenried	Keener			—25

Nays:

—0

The Bill:

H. 159. Relating to Sumter County; providing further for the compensation of the board of registrars.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Figures	Little	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Harrison	Pearson	Weeks	
Cook	Holmes	Robertson	White	
deGraffenried	Keener			—25

Nays:

—0

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The Bill:

H. 160. Relating to Sumter County; providing further for the compensation of the board of equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Harrison	Parsons	Vacca
Clemon	Higginbotham	Pearson	Weeks
Cook	Holmes	Robertson	White
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 179. Relating to the 5th Judicial Circuit, to regulate and provide for expense allowances allowed the district attorney in like amounts as provided for circuit judges of said circuit; and to give said act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Robertson
Bailey	Glass	Little	St. John
Barron	Goodwin	Miller	Smith
Callahan	Gulledge	Parsons	Taylor
Clemon	Hall	Pearson	Teague
Cook	Higginbotham	Proctor	Weeks
Denton	Keener		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 61. CREATING A JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS.

Also:

H. J. R. 74. REQUESTING THE UNITED STATES CONGRESS TO RENEW, FOR AN ADDITIONAL FOUR YEARS, THE GENERAL REVENUE SHARING PROGRAM TO STATE AND LOCAL GOVERNMENTS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 324. To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

was taken up.

On motion of Mr. Teague, further consideration of the Bill, S. B. 81, was postponed until the next Legislative Day as Unfinished Business.

MOTION TO ADJOURN LOST

At 4:07 P.M., Mr. St. John moved that the Senate adjourn until Thursday, May 3, 1979, at 9:30 A.M., which motion was lost.

Yeas 12; Nays 16.

Yeas:

Messrs.:
Callahan
Glass
Goodwin

Gulledge
Kirkland
McDonald

Miller
Proctor
Robertson

St. John
Weeks
White

—12

Nays:

Messrs.:
Barron
Cook
Denton
Hall

Harrison
Higginbotham
Holmes
Keener

Lemaster
Little
Martin
Parsons

Smith
Taylor
Teague
Vacca

—16

BILLS ON THIRD READING RESUMED

The Bill:

S. 100. To amend Sections 1 and 2 of Act No. 370, S. 279, Legislature of Alabama of 1976, approved August 23, 1976, entitled "An Act to amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled, 'An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts and for other purposes,' which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts;" and to provide a new Standard Nonforfeiture Law for individual deferred annuities.

was taken up.

Mr. Weeks offered the following substitute for the Bill, S. B. 100, to-wit:

SUBSTITUTE FOR S. B. 100

A BILL
TO BE ENTITLED
AN ACT

To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts, so as to increase the statutory interest assumptions for new life insurance and annuity business; to redefine the commissioners reserve valuation method for annuities; to modify the commissioners reserve valuation method and deficiency reserve requirements for those life insurance policies which now require deficiency reserves; to revise the permissible age setback for females in the standard nonforfeiture and valuation laws for life insurance from three years to six years; to revise the standard valuation law to increase the statutory interest rate for group annuities purchased prior to the 1972 NAIC Amendments to the standard valuation law; and to adopt a new standard nonforfeiture law for individual deferred annuities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-15-28, Code of Alabama 1975, is hereby amended to read as follows:

"§ 27-15-28.

"(a) This section shall be known as the standard nonforfeiture law for life insurance.

"(b) Nonforfeiture provisions—Life.—In the case of policies issued on, or after, the operative date of this section, as defined in subsection (1) of this section, no policy of life insurance, except as set forth in subsection (k) of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions, which, in the opinion of the commissioner, are at least as favorable to the defaulting or surrendering policyholder:

"(1) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than 60 days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be specified in this section;

"(2) That, upon surrender of the policy within 60 days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance and five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be specified in this section;

"(3) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than 60 days after the due date of the premium in default;

"(4) That, if the policy shall have been paid up by completion of all premium payments, or if it is continued under any paid-up nonforfeiture benefit which became effective on, or after, the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within 30 days after any policy anniversary, a cash surrender value of such amount as may be specified in this section;

"(5) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary, either during the first 20 policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy; and

"(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; and a statement of the method to be used in calculating the cash

surrender value, and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

"(c) Any of the provisions, or portions thereof, set forth in subdivisions (b)(1) through (b)(6) of this section which are not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy. The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

"(d) Cash surrender value—Life.—Any cash surrender value available under the policy in the event of default in the premium payment due on any policy anniversary, whether or not required by subsection (b) of this section, shall be an amount not less than the excess, if any, of the present value on such anniversary of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions if there had been no default, over the sum of:

"(1) The then present value of the adjusted premium as defined in subsections (f), (g), (h) and (i) of this section, corresponding to premiums which would have fallen due on and after such anniversary; and

"(2) The amount of any indebtedness to the insurer on account of or secured by the policy.

Any cash surrender value available within 30 days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paidup nonforfeiture benefits, whether or not required by such subsection (b) of this section, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

"(e) Paid-up nonforfeiture benefits—Life.—Any paid-up nonforfeiture benefit available under the policy in the event of default in the premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

"(f) The adjusted premium—Life.—Except as provided in subsection (h) of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

"(1) The then present value of the future guaranteed benefits provided for by the policy;

"(2) Two percent of the amount of the insurance if the insurance be uniform in amount or of the equivalent uniform amount, as defined in this section, if the amount of insurance varies with the duration of the policy;

"(3) Forty percent of the adjusted premium for the first policy year; and

"(4) Twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less; provided, however, that in applying the percentages specified in subdivisions (3) and (4), of this subsection, no adjusted premiums shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto.

"Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

"(g) In the case of a policy providing an amount of insurance varying with the duration of the policy, the equivalent uniform amount thereof for the purpose of subsection (f) of this section shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy containing the same endowment benefit, or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that, in the case of a policy for a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

"(h) The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to:

"(1) The adjusted premiums for an otherwise similar policy issued at the same age without such insurance benefits increased, during the period for which premiums for such term insurance benefits are payable; or

"(2) The adjusted premiums for such term insurance, subdivisions (1) and (2) of this subsection being calculated separately and as specified in subsections (f) and (g) of this section.

"(i) All adjusted premiums and present values referred to in this section shall, for all policies of ordinary insurance, be calculated on the basis of the commissioners' 1958 standard ordinary mortality table, provided, that, for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured and provided that for any category of ordinary insurance issued on female risks on or after the effective date of this amendatory Act of 1979, adjusted premiums and present values may be calculated according to an age not more than six (6) years younger than the actual age of the insured. Such calculation for all policies of industrial insurance shall be made on the basis of the commissioners' 1961 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that such rate of interest shall not exceed three and one-half percent per annum; provided further, that a rate of interest not exceeding four percent per annum may be used for policies issued on or after August 23, 1976 and prior to the effective date of this amendatory Act of 1979 and a rate of interest not exceeding five

and one-half percent (5-1/2%) per annum may be used for policies issued on or after the effective date of this amendatory Act of 1979; provided, however, that, in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed in the case of ordinary policies may not be more than those shown in the commissioners' 1958 extended term insurance table and, in the case of industrial policies, may not be more than those shown in the commissioners' 1961 industrial extended term insurance table; provided further, that, for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

"(j) Calculation of values—Life.—Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (d), (e), (f), (g), (h) and (i) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (d) of this section, additional benefits payable:

"(1) In the event of death or dismemberment by accident or accidental means;

"(2) In the event of total and permanent disability;

"(3) As reversionary annuity or deferred reversionary annuity benefits;

"(4) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply;

"(5) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26, is uniform in amount after the child's age is one and has not become paid-up by reason of the death of a parent of the child; and

"(6) As other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

"(k) Exceptions.—This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof of 15 years or less expiring before age 66, for which uniform premiums are payable during the entire term of the policy nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (f), (g), (h) and (i) of this section, is less than the adjusted premium so calculated on such 15-year term policy issued at the same age and for the same initial amount of insurance. This section shall not apply to benefits provided in the form of funeral or monument merchandise and services under burial policies except to the extent provided in Section 27-17-13.

"(l) Operative date.—Insurers complying with the provisions of this section prior to January 1, 1972, may continue such compliance without the filing of any notice with the commissioner. After January 1, 1972, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1972. After the filing of such notice, then upon such specified date, which shall be the operative date for such insurer, this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be January 1, 1972."

Section 2. Section 27-36-7, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 27-36-7.

"(a) This section shall be known as the Standard Valuation Law.

"(b) Annual valuation.—The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In the case of an alien insurer, such valuation shall be limited to its insurance transactions in the United States. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept in his discretion the insurer's calculation of such reserves. In lieu of the valuation of the reserves required in this title of any foreign or alien insurer, he may accept any violation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard provided in this section, and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. Where any such valuation is made by the commissioner, he may use the actuary of the department or employ an actuary for the purpose, and the reasonable compensation and expenses of the actuary, at a rate approved by the commissioner, upon demand by the commissioner, supported by an itemized statement of such compensation and expenses, shall be paid by the insurer. When a domestic insurer furnishes the commissioner with a valuation of its outstanding policies as computed by its own actuary or by an actuary deemed satisfactory for the purpose by the commissioner, the valuation shall be verified by the actuary of the department without cost to the insurer.

"(c) The minimum standard for the valuation of all such policies and contracts issued prior to January 1, 1972 the operative date of section 27-15-28 shall be as required under laws in effect immediately prior to January 1, 1972, or the minimum provided in subsection (d) of this section if less except that the minimum standard for the valuation of annuities and pure endowments purchased under group annuity and pure endowment contracts issued prior to January 1, 1972 shall be that provided by the laws in effect prior to January 1, 1972 by replacing the interest rates specified in such laws by an interest rate of five percent (5%) per annum.

"(d)(1) Except as otherwise provided in subdivision (2) of this subsection, the minimum standard for the valuation of all such policies and contracts issued on or after January 1, 1972 the operative date of section 27-15-28 shall be the commissioner's reserve valuation method defined in subsection (e) of this section, three and one half percent interest five percent interest for group annuities and pure endowment contracts and three and one-half percent interest for all other such policies and contracts or, in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after August 23, 1976, four percent interest, for such policies issued prior to the effective date of this amendatory act of 1979, and four and one-half percent interest for all other such policies issued on or after the effective date of this amendatory act of 1979, and the following tables:

"a For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioner's 1958 standard ordinary mortality table; except, that for any category of such policies issued on female risks modified net premiums and present values, referred to in subsection (e) of this section, may be calculated, according to an age not more than three years younger than the actual age of the insured and for any category of such policies issued on female risks on or after the effective date of this amendatory act of 1979, modified net premiums and present values, referred to in subsection (e), may be calculated according to an age not more than six years younger than the actual age of the insured;

"b. For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioner's 1961 standard industrial mortality table;

"c. For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table or, at the option of the insurer, the annuity table for 1949, ultimate, or any modification of either of these tables approved by the commissioner;

"d. For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the commissioner or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;

"e. For total and permanent disability benefits in, or supplementary to, ordinary policies or contracts for policies or contracts issued on or after January 1, 1972, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries, with due regard to the type of benefit; for policies or contracts issued prior to January 1, 1972, either such tables or, at the option of the insurer, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserve for life insurance policies;

"f. For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1972, the 1959 accidental death benefits table; for policies issued prior to January 1, 1972, either such table or, at the option of the insurer, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies;

"g. For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner as being sufficient with relation to the benefits provided by such policies.

"(2) The minimum standards for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subdivision August 23, 1976, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts shall be the commissioner's reserve valuation method defined in subsection (e) of this section and the following tables and interest rates:

"a. For individual annuity and pure endowment contracts issued on or after August 23, 1976 and prior to the effective date of this amendatory act of 1979, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the commissioner, and six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity and pure endowment contracts; and

"b. For individual single premium immediate annuity contracts issued on or after the effective date of this amendatory act of 1979, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and seven and one-half percent interest;

"c. For individual annuity and pure endowment contracts issued on or after the effective date of this amendatory act of 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts;

"b. d. For all annuities and pure endowments purchased on or after August 23, 1976 and prior to the effective date of this amendatory act of 1979 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any modification of this table approved by the commissioner, and six percent interest; and

"e. For all annuities and pure endowments purchased on or after the effective date of this amendatory act of 1979 under group annuity and pure endowment contracts excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner and seven and one-half percent interest.

"After August 23, 1976, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date but before January 1, 1980, which shall be the operative date of this subdivision for such insurer; provided, that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1980.

"(e) Commissioner's reserve valuation method and Commissioners Annuity Reserve Valuation Method.

"(1) Except as otherwise provided in subsections (e)(3), (e)(4) and (i) of this section Reserves reserves, according to the commissioner's reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, such future guaranteed benefits provided for by such policies over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits, excluding extra premiums on a substandard policy, that the present value at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of paragraph a over paragraph b of this subdivision as follows:

"a. A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy; and

"b. A net one-year term premium for such benefits provided for in the first policy year.

"(2) Reserves according to the commissioner's reserve valuation method for:

"a. Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

"b. Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended;

"c. Disability and accidental death benefits in all policies and contracts; and

"d. All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of subdivision (e)(1) of this section.

"(3) Subdivision (e)(4) of this section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended.

"(4) Reserves according to the commissioners annuity reserves method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

"(f) Minimum aggregate reserves.—In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after January 1, 1972, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (e) and (i) of this section and the mortality table, or tables, and rate, or rates of interest used in calculating nonforfeiture benefits for such policies.

"(g) Optional reserve basis.

"(1) Reserves for all policies and contracts issued prior to January 1, 1972, may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date; and

"(2) For any category of policies, contracts or benefits specified in subsection (d) of this section issued on or after January 1, 1972, reserves may be calculated, at the option of the insurer, according to any standard, or standards, which produce greater aggregate reserves for such category than those calculated according to the minimum standard provided in this section, but the rate, or rates, of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate, or rates, of interest used in calculating any nonforfeiture benefits provided for therein, provided, however, that reserves for participating life insurance policies issued on or after January 1, 1972, may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further provide that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one half of one percent, the insurer issuing such policy shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

"(h) Lower valuations.—An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided in this section may, with written notice thereof to the commissioner, adopt any lower standard of valuation, but not lower than the minimum provided in this section.

"(i) Minimum Deficiency Reserves.—If in any contract year the gross premium charged by any life insurer on any policy or contract issued on or after the operative date of Section 373 January 1, 1972 is less than the valuation net premium for the policy or contract according to the mortality table, rate of interest and calculated by the method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standards, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium paying period, but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium."

Section 3. (1) This section shall be known as the Standard Nonforfeiture Law for Individual Deferred Annuities.

(2) This section shall not apply to any reinsurance group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this state through an agent or other representative of the company issuing the contract.

(3) In the case of contracts issued on or after the operative date of this section as defined in subsection (12) no contract of annuity, except as stated in subsection (2), shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contractholder, upon cessation of payment of considerations under the contract.

(a) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (5), (6), (7), (8), and (10).

(b) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (5), (6), (8), and (10). The company shall reserve the right to defer the payment of such cash surrender benefit for a period of six (6) months after demand therefor with surrender of the contract.

(c) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits.

(d) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements section, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two (2) full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than twenty dollars (\$20.00) monthly, the company may at its option terminate such contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

(4) The minimum values as specified in subsections (5), (6), (7), (8), and (10) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

(a) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three percent (3%) per annum of percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of:

(i) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent (3%) per annum; and

(ii) the amount of any indebtedness to the company on the contract, including interest due and accrued; and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars (\$30.00) and less a collection charge of one dollar and twenty-five cents (\$1.25) per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five percent (65%) of the net consideration for the first contract year and eighty-seven and one-half percent (87 1/2%) of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five percent (65%) of the portion of the total net consideration for any renewal contract year which exceeds by not more than two (2) times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent (65%).

(b) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

(i) The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five percent (65%) of the net consideration for the first contract year plus twenty-two and one-half percent (22 1/2%) of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

(ii) The annual contract charge shall be the lesser of (i) thirty dollars (\$30.00) or (ii) ten percent (10%) of the gross annual consideration.

(c) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety percent (90%) and the net considerations shall be the gross consideration less a contract charge of seventy-five dollars (\$75.00).

(5) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(6) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrender of the contract, such present value being calculated on the basis of an interest rate not more than one percent (1%) higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(7) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of the paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(8) For the purpose of determining the benefits calculated under subsections (6) and (7) in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity

dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(9) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(10) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(11) For any contract which provides, within the same contract by rider or supplemental contract provisions, both annuity benefits and life insurance benefits that are in excess of the greater cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (5), (6), (7), (8) and (10) additional benefits payable (1) in the event of total and permanent disability, (2) as reversionary annuity or deferred reversionary annuity benefits, or (3) as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(12) After the effective date of this section, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before the second anniversary of the effective date of this section. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be the second anniversary of the effective date of this section.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Bill:

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 54, to-wit:

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COMMITTEE AMENDMENT TO H. B. 54

Amend H. B. 54 as follows:

Add the following language at the end of Section 1:

No board of education or institution of higher learning shall reduce or transfer any appropriation for salaries or wages.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
Callahan	Holmes	Miller	Taylor
Clemon	Keener	Mitchem	Weeks
Cook	Kirkland	Pearson	White
deGraffenried			

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Nays: —0

And said Bill, H. B. 54, as thus amended, was read a third time at length and passed.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Bailey	Figures	Lemaster	Proctor
Barron	Goodwin	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Clemon	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White

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Nay: Mr. Robertson. —1

FURTHER CONSIDERATION OF S. B. 100

The Senate proceeded to further consideration of the Bill, S. B. 100. The question was on the substitute offered by Mr. Weeks.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

By Rep. Dial:

H. J. R. 24. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 20. PROVIDING FOR A JOINT LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

Also:

S. J. R. 25. HONORING JUDGE HARRY E. PICKENS OF BESSEMER, JEFFERSON COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN LOST

At 4:55 P.M., Mr. White moved that the Senate adjourn until Thursday, May 3, 1979, at 10 o'clock A.M., which motion was lost.

Yeas 11; Nays 18.

Yeas:

Messrs.:	Denton	Lemaster	St. John	
Bailey	Goodwin	Proctor	White	
Britnell	Hall	Robertson		—11
Callahan				

Nays:

Messrs.:	Higginbotham	Martin	Smith	
Barron	Holmes	Miller	Taylor	
Cook	Keener	Mitchem	Vacca	
deGraffenried	Kirkland	Parsons	Weeks	
Harrison	Little	Pearson		—18

FURTHER CONSIDERATION OF S. B. 100

The Senate proceeded to further consideration of the Bill, S. B. 100. The question was on the substitute offered by Mr. Weeks.

And said substitute for the Bill, S. B. 100, was then adopted by the Senate.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor	
Bailey	Gulledge	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Clemon	Higginbotham	Miller	Taylor	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Kirkland	Pearson	White	

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Nays:

—0

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On motion of Mr. Little, further consideration of the Bill, S. B. 100, as amended by the substitute, was postponed until the Seventh Legislative Day.

ADJOURNMENT

At 5:15 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 81, the Senate adjourned until Thursday, May 3, 1979, at 10:05 A.M.

SIXTH LEGISLATIVE DAY

THURSDAY, MAY 3, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Jack Zorn, Executive Director, American Citizenship Center, Alabama Christian College, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Cook and Teague for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Little:

S. 290. To provide for a 30% discount on utility bills for persons 65 years of age or older.

Committee on Finance and Taxation.

By Messrs. Denton, Robertson, Harrison, Gullledge, Martin, Bailey, Hall, deGraffenried, Britnell, and Holmes:

S. 291. To provide salary increases for certain public school teachers, administrators, supervisors and support personnel and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. White:

S. 292. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

Committee on Health and Welfare.

By Messrs. Cook and White:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Committee on Banking and Insurance.

By Messrs. Clemon, White, Parsons, Vacca and Proctor:

S. 294. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; and to provide the effective date of this Act.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 295. To make appropriations for the support and maintenance of the Talladega College.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 296. To make appropriations for the support and maintenance of the Tuskegee Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 297. To make appropriations for the support and maintenance of the Marion Military Institute.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 298. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 299. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 300. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 301. To amend Section 41-8-1 through Section 41-8-7 of the Code of Alabama 1975 so as to change the name of the Alabama Public Library Service to the State Library of Alabama and to provide that the director shall be known as the state librarian.

Committee on Governmental Affairs.

By Mr. Kirkland:

S. 302. To establish and provide for the cost of resident annual state all game and small game hunting licenses.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 303. To provide for a live shrimp bait dealers license; to regulate the taking of shrimp for live bait; to regulate the taking of bait shrimp or of shrimp for noncommercial purposes by persons other than dealers; and to prescribe the penalty for persons violating the provisions of this Act.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 304. To amend the Code of Alabama 1975, § 9-12-42, so as to require that one-half of all oyster shells processed in this state will be replanted on the public reefs, beds or bottoms of the waters of this state.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 305. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 306. To provide a new schedule of commercial privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating the provisions of this Act.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 307. To provide for the cost, issuance and use of sport fishing licenses in the salt and brackish waters of this State; to provide for a commercial party boat license; to provide for a commercial angling and spear license; to provide for the disposition of the revenue generated by the sale of said licenses.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 308. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 309. To make a supplemental appropriation to the Marine Police Division of the Department of Conservation and Natural Resources for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 310. To provide for the transfer of all that portion of the Fort Morgan Military Reservation except Fort Morgan, the museum and old barracks buildings to the Department of Conservation and Natural Resources; to provide for the operation and maintenance of said reservation by said department; to relieve the Alabama Historical Commission of all duties and responsibilities in the area conveyed.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 311. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 312. To amend § 9-11-237, Code of Alabama 1975, in order to increase the minimum fine for selling game birds or game animals.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Kirkland:

S. 313. To provide for the condemnation and sale of vehicles, boats, animals or firearms used in the hunting of deer at night.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. St. John and Robertson:

S. 314. To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

Committee on Judiciary.

By Messrs. St. John and Robertson:

S. 315. To amend Sections 510, 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

Committee on Judiciary.

By Messrs. St. John and Robertson:

S. 316. To amend Sections 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, and 5530 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

Committee on Judiciary.

By Mr. Pearson:

S. 317. To amend Section 27-13-65 of the Code of Alabama 1975 relating to insurance rate-making and making rating plans so as to remove discriminatory practices of age and sex in automobile and motorcycle insurance.

Committee on Banking and Insurance.

By Mr. Holmes:

S. 318. To provide for a discount on electric utility bills for certain persons 65 years of age or older.

Committee on Finance and Taxation.

By Messrs. Mitchem and Kirkland:

S. 319. To provide for disability lifetime hunting licenses; qualifications for, and the issuance of same.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Vacca:

S. 320. To amend Section 32-5-31, Code of Alabama 1975, so as to provide that certain traffic control devices shall conform to certain standards.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Vacca:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Mitchem and Kirkland:

S. 322. To amend the Code of Alabama 1975, § 9-11-54, so as to further define and clarify qualifications for and issuance of disabled lifetime fishing licenses.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. St. John:

S. 323. To provide for regulation of attachments of cable television facilities to poles of telephone and power utilities.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 324. To amend Sections 41-9-160, 41-9-161, 41-9-165, and 41-9-166, Code of Alabama 1975, regarding the state building code, so as to further define certain terms, provide for an energy conservation code, to authorize political subdivisions to adopt the code, and to require compliance with the code.

Committee on Governmental Affairs.

By Messrs. Figures and Parsons:

S. 325. To amend Section 34-3-41 of the Code of Alabama 1975, which relates to the board of commissioners of the state bar, so as to further regulate their selection, the time and place of elections and the term of office, and the filling of vacancies.

Committee on Judiciary.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 20. PROVIDING FOR A JOINT LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

Also:

S. J. R. 25. HONORING JUDGE HARRY E. PICKENS OF BESSEMER, JEFFERSON COUNTY, ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 24. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE.

Also:

H. J. R. 35. COMMENDING THE WETUMPKA HIGH SCHOOL BASKETBALL TEAM ON WINNING THE 3A STATE CHAMPIONSHIP.

Also:

H. J. R. 36. CONGRATULATING ELMORE COUNTY HIGH SCHOOL, THE 1978 STATE 2A FOOTBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to the provisions of H. J. R. 24, the President and Presiding Officer of the Senate appointed Messrs. Barron, Holmes, and Taylor to the Committee to study the State Income Tax Structure.

COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to the provisions of H. J. R. 37, the President and Presiding Officer of the Senate appointed Messrs. Figures, St. John, and Little to the Committee to study Additional Legislative Office Space.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Harrison and Taylor (With Substitute) (With Amendments):

S. 17. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; establishing the Office of Consumer Protection and defining its duties; defining and prohibiting unlawful trade practices; providing for the promulgation of rules and regulations interpreting the Act; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

S. 37. To further amend Section 32-5-31 of the Code of Alabama 1975, as amended, which pertains to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn left from one-way streets onto a one-way street on a red traffic signal.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, St. John, Clemon, Keener, Proctor, Kirkland, and Parsons (With Substitute):

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 74. To provide for privileged communications with clergymen.

By Messrs. Proctor and Kirkland:

S. 75. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers, owners of said property and/or bystanders.

By Messrs. Higginbotham and Callahan:

S. 95. To amend further Section 12-3-34, Code of Alabama 1975, relating to the Alabama Court of Criminal Appeals' authority to hire certain personnel, so as to change the designation of the position of "stenographer" to "confidential assistant".

By Messrs. Robertson, Clemon, Hall, Harrison, Vacca, Britnell, McDonald, Denton, White, Teague, Lemaster, Glass, deGraffenried, Goodwin, Mitchem, Taylor, Martin, Callahan, Gulledge, Holmes, Higginbotham, Barron, Cook, Kirkland, Proctor, Little, Bailey, Weeks, Parsons, and Miller.

S. 243. To provide that any person may use deadly force, including use of firearms, to repel anyone unlawfully in, entering or attempting to enter the person's home or place of abode; to provide that no criminal case or civil cause of action shall be brought against any person exercising his rights under the provisions of this act.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem and Kirkland:

S. 47. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

By Messrs. Mitchem and Kirkland:

S. 48. To amend Title 2, Section 2-21-24 of the Code of Alabama of 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

By Messrs. Mitchem, Miller, and Kirkland:

S. 49. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to \$10.00.

By Messrs. Kirkland and Mitchem:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

By Messrs. Mitchem and Kirkland:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§ 2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

By Mr. Hall:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sasser:

H. 19. To repeal Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Riddick, et al:

H. 176. To prohibit the disposal of certain nuclear spent fuel or radioactive material or waste by the United States of America in any site within the state.

By Reps. Dial and Hines:

H. 25. To amend Section 34-26-22, Code of Alabama 1975, by changing the biennial registration fee for licensed psychologists to an annual registration fee of \$50.00; to amend Section 34-26-43, Code of Alabama 1975, by increasing the application fee for permanent licenses as psychologists to \$125.00; and to provide for an examination fee for candidates for licensure as psychologists not to exceed \$100.00.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hammett and Daniels:

H. 145. To repeal Act No. 899, H. 1673, approved September 7, 1971, Regular Session 1971 (Acts 1971, page 1663), entitled "An Act To authorize county boards of education in all counties having a population of not less than 34,000 nor more than 34,800, to appoint the superintendent of education for such counties."

By Rep. Hammett (with notice and proof):

H. 204. Relating to Covington County; to authorize the county board of education to appoint the superintendent of education for the county.

By Rep. Ray (with notice and proof):

H. 333. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

By Rep. Ray (with notice and proof):

H. 334. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

By Rep. Dial:

H. 338. To amend Section 34-5-15 of the Code of Alabama 1975, as last amended, so as to add Cleburne County to the list of those counties to which Chapter 5 of Title 34 of the Code of Alabama (statewide barber's act) does not apply; it provides that if any section or part of Chapter 5 is declared unconstitutional, then the entire Chapter shall be null and void.

RESOLUTION

Messrs. Robertson and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. CREATING THE JOINT COMMITTEE ON THE ALABAMA HIGHWAY DEPARTMENT FISCAL RESPONSIBILITY.

WHEREAS, conservation of energy and natural resources is fast becoming the number one priority within the State of Alabama and all these United States; and

WHEREAS, the use of Alabama's highways and bridges by motor vehicles is the major source of gasoline consumption; and

WHEREAS, the Administration has proposed a gasoline tax to be levied upon the purchase and consumption of gasoline and petroleum products for use in motor vehicles which use the highways and bridges of our State; and

WHEREAS, the public funds produced as a result of the proposed gasoline and petroleum tax will be administered by the Alabama Highway Department for the construction, maintenance and operation of the highways and bridges of this State and the operation and administration of the Alabama Highway Department; and

WHEREAS, the consuming public of the State of Alabama and the legislative bodies of the State of Alabama have a direct right, interest and duty to know, learn and ascertain the need for such proposed tax and the efficiency with which said tax might be administered by the Alabama Highway Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee from both houses of the Legislature to be known as the "Joint Committee on the Alabama Highway Department Fiscal Responsibility" with the power, duty and obligation to study, analyze and project needed revenues, areas of improving cost accountability and efficiency and economy in employment and hiring practices.

BE IT FURTHER RESOLVED, That said Joint Committee is to be composed of eight (8) members, to be appointed as follows:

One (1) member of the Senate, who shall serve as Chairman, shall be appointed by the Lt. Governor;

One (1) member of the House of Representatives, who shall serve as Vice Chairman, shall be appointed by the Speaker of the House of Representatives;

Three (3) members each, to be appointed by the Lt. Governor and the Speaker of the House of Representatives, from the public at large from each of the following categories of business, organized labor and the professions.

BE IT FURTHER RESOLVED, That the powers, duties and responsibilities of the Joint Committee are as follows:

To meet, investigate, and report to both houses of the Legislature all information which is necessary, pertinent and relevant to the avowed purposes of this joint resolution, including, but not limited to the following:

(1) The total income and distribution of all sources of funds, by category of sources of funds, which have been received and disbursed by the Alabama State Highway Department for any of its agencies for the fiscal years 1976, 1977 and 1978.

(2) To ascertain and report, by separate category, the expenditures of all funds used in connection with new construction, maintenance and miscellaneous expenditures in connection with our highways and bridges on all state, county and federal roads.

(3) A detailed breakdown on administrative expenditures for the State Highway Department.

(4) A detailed list of employees by categories, classification of employees, salary range by classification, number of employees, and whether such employees are temporary or permanent.

(5) The application of the State Merit System laws to the hiring, firing, promotion, and transfer of State Highway Department employees.

(6) The feasibility of establishing through legislation the development of alternative means of travel, both urban and rural, throughout the State of Alabama.

This Joint Committee shall meet within ten (10) days after this resolution being adopted by both houses of the Legislature and its creation, and shall organize and divide the area of responsibility by members or subcommittees as in the best discretion of the Chairman. The Committee members

shall serve without pay. The Committee shall make its final report to the Governor and to both houses of the Legislature no later than sixty (60) calendar days after its creation. The life of this Joint Committee shall be for the duration of the 1979 Regular Legislative Session.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lewis, Howard, Bennett, Payne, Trammell, Olive, Horn, Waggoner, Boles, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Ward, Warren, Whately, Williams, Willis, Wyatt and Zoghby:

H. J. R. 79. CONDEMNING THE REPREHENSIBLE ACTIONS OF THOSE RESPONSIBLE FOR THE BOMBING OF THE BESSEMER CITY HALL ON MAY 2, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Parsons, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 213. Relating to Washington County; to provide that the county commission of Washington County shall meet on the second and fourth Tuesday each month and at such other times as deemed necessary by said county governing body provided advance public notice be given by publication in a newspaper of general circulation in Washington County; and to repeal Act No. 224, H. B. 764 of the 1884-1885 Session.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
6th Day

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Pearson	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

S. 246. To amend the title and Sections 2, 4, and 8 of Act No. 142, S. 353 (Acts 1951, p. 374-378), relating to the construction, maintenance and repair of Baldwin County roads and bridges so as to empower the county commission with the authority to hire a county engineer and to prescribe the procedure for the transfer of county monies to the State Highway Department as needed for the construction, maintenance and repair of such county roads and bridges.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
Britnell	Holmes	Parsons	Vacca
Clemon	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		

—25

Nays: —0

REPORT OF COMMITTEE

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 28. ENCOURAGING THE U.S. CONGRESS TO DESIGNATE THE AMERICAN MARIGOLD AS THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES.

On motion of Mr. White, said Resolution was then adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Gulledge
Bailey	Callahan	Denton	Hall
Barron	Clemon	Goodwin	Harrison

Holmes
Keener
Lemaster
LittleMartin
McDonald
Miller
MitchemPearson
Proctor
Robertson
St. JohnSmith
Vacca
Weeks
White

—27

Nays:

—0

MOTION IN WRITING

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 29, on page 14 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 29, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT OF COMMITTEE

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 41. HONORING PROFESSOR ROBERT G. PITTS UPON HIS RETIREMENT.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 16. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Also:

H. 48. Relating to Lawrence County; providing an expense allowance payable from the county general fund, for the county coroner and making the provisions of this act retroactive.

Also:

H. 49. Relating to Lawrence County; authorizing the county commission to allow the sheriff to appoint a chief deputy and other deputies; and providing for the compensation of such deputies.

Also:

H. 50. Relating to Lawrence County; providing for fixing the fee for issuance of a pistol permit and providing for the distribution and use of such fees.

Also:

H. 79. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moundville in Hale County, Alabama.

Also:

H. 83. To repeal Act No. 58, H. 39, approved April 13, 1955, Second Extraordinary Session 1955 (Acts of Alabama 1955, p. 170), entitled, "An Act Relating to Marion County; levying a county privilege license tax on electric and hydro-electric public utilities, providing for the collection and enforcement of such tax and for the distribution and use of the proceeds thereof."

Also:

H. 158. Relating to Sumter County; providing further for the compensation of election officials.

Also:

H. 159. Relating to Sumter County; providing further for the compensation of the board of registrars.

Also:

H. 160. Relating to Sumter County; providing further for the compensation of the board of equalization.

Also:

H. 179. Relating to the 5th Judicial Circuit, to regulate and provide for expense allowances allowed the district attorney in like amounts as provided for circuit judges of said circuit; and to give said act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

Mr. Little offered the following amendment to the Bill, S. B. 81, to-wit:

AMENDMENT TO S. B. 81

Amend Senate Bill No. 81 Page 3 by striking out the following:

Section I(f) in its entirety and furthermore to re-number accordingly.

Mr. Gulledge moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs.:	Gulledge	Mitchem	Weeks	
Bailey	Lemaster	Proctor	White	
Barron	Martin	St. John		—13
Callahan	McDonald			
Goodwin				

Nays:

Messrs.:	Figures	Holmes	Parsons	
Clemon	Hall	Keener	Pearson	
deGraffenried	Harrison	Kirkland	Robertson	
Denton	Higginbotham	Little	Smith	—15

And said amendment was then lost.

Yeas 12; Nays 13.

Yeas:

Messrs.:	Hall	Holmes	Little	
Clemon	Harrison	Keener	Pearson	
Denton	Higginbotham	Kirkland	Smith	
Figures				—12

Nays:

Messrs.:	Goodwin	Mitchem	St. John	
Barron	Gulledge	Parsons	Weeks	
Callahan	Lemaster	Proctor	White	
deGraffenried	Martin			—13

Mr. Pearson offered the following amendment to the Bill, S. B. 81, to-wit:

AMENDMENT TO S. B. 81

Amend S. B. 81 as follows:

On page 1, in subsection (1) on line 36, delete the figures "\$1000.00" and insert in lieu thereof

\$750.00

On page 2, in subsection (2) on line 6, delete the figures "\$1,000.00" and insert in lieu thereof

\$750.00

Which was adopted.

REGULAR SESSION
6th Day

185

Yeas 24; Nays 1.

Yeas:

Messrs.:	Figures	Keener	Proctor
Barron	Goodwin	Kirkland	Robertson
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Smith
Clemon	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Pearson	White
Denton			

—24

Nay: Mr. Harrison. —1

Mr. deGraffenried offered the following amendment to the Bill, S. B. 81, as amended, to wit:

AMENDMENT TO S. B. 81, AS AMENDED

Amend S. B. 81, as amended, as follows:

On page 1, line 35, before "(1)" insert

a.

On page 2, line 4, before "(2)" insert

b.

On page 2, line 8, before "(3)" insert

c.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Parsons
Barron	Goodwin	Kirkland	Pearson
Britnell	Gulledge	Lemaster	Robertson
Callahan	Hall	Little	St. John
Clemon	Harrison	McDonald	Weeks
deGraffenried	Higginbotham	Mitchem	White
Denton	Holmes		

—25

Nays: —0

Mr. Hall offered the following amendment to the Bill, S. B. 81, as amended, to-wit:

AMENDMENT TO S. B. 81, AS AMENDED

Amend S. B. 81, as amended,

Byincluding the word "or" on line 11 of page two which is lined-out and by reinstating lines 12 through 15 which are lined out in the bill.

Or motion of Mr. Gulledge, said amendment was laid on the table.

Mr. Hall then offered the following amendment to the Bill, S. B. 81, as amended, to-wit:

AMENDMENT TO S. B. 81, AS AMENDED

Amend S. B. 81, as amended line 32 and 33 of page 1 by including the lined-out words "the greater of" and delete on line 33 the words "the total of"

Further amend on line 34 by including the lined out phrase "(I) The total of:"

Further amend by deleting the word "and" on line 37

And said amendment was then lost.

Yeas 10; Nays 15.

Yeas:

Messrs.:	Figures	Lemaster	Pearson	
Clemon	Hall	Little	Weeks	
Denton	Kirkland	Parsons		—10

Nays:

Messrs.:	Goodwin	Holmes	Proctor	
Barron	Gulledge	Keener	St. John	
Callahan	Harrison	Martin	Smith	
Glass	Higginbotham	Mitchem	White	—15

Mr. Hall then offered the following amendment to the Bill, S. B. 81, as amended, to-wit:

AMENDMENT TO S. B. 81, AS AMENDED

Amend Senate Bill No. 81, as amended, Page 1 Line 37, by striking out the word "and"

Further amend on page 2 line 7 by striking out the word "and"

On motion of Mr. Gulledge, said amendment was laid on the table.

Yeas 15; Nays 11.

Yeas:

Messrs.:	Goodwin	Keener	Proctor	
Barron	Gulledge	Martin	St. John	
Callahan	Harrison	McDonald	Smith	
Glass	Higginbotham	Mitchem	White	—15

Nays:

Messrs.:	Denton	Holmes	Little	
Clemon	Figures	Kirkland	Pearson	
deGraffenried	Hall	Lemaster	Robertson	—11

Mr. Little then offered the following amendment to the Bill, S. B 81, as amended, to-wit:

AMENDMENT TO S. B. 81, AS AMENDED

Amend Senate Bill No. 81 Page 3 by striking out Section I(F)(2) and furthermore to re-number accordingly.

Mr. Gullledge moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 21.

Yeas:

Messrs.:	Glass	Gullledge	St. John	
Barron	Goodwin	Martin	Taylor	
Callahan				—8

Nays:

Messrs.:	Hall	Lemaster	Pearson	
Britnell	Harrison	Little	Proctor	
Clemon	Higginbotham	McDonald	Robertson	
deGraffenried	Holmes	Mitchem	Smith	
Denton	Keener	Parsons	White	
Figures	Kirkland			—21

And said amendment was then adopted.

Yeas 18; Nays 12.

Yeas:

Messrs.:	Figures	Lemaster	Parsons	
Britnell	Hall	Little	Pearson	
Clemon	Holmes	Martin	Robertson	
deGraffenried	Keener	McDonald	Smith	
Denton	Kirkland	Mitchem		—18

Nays:

Messrs.:	Goodwin	Higginbotham	Taylor	
Barron	Gullledge	Proctor	Weeks	
Callahan	Harrison	St. John	White	
Glass				—12

Mr. Little moved that further consideration of the Bill, S. B. 81, as amended, be postponed until the Ninth Legislative Day.

Mr. Gullledge moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 10; Nays 18.

Yeas:

Messrs.:	Goodwin	Lemaster	Mitchem	
Callahan	Gullledge	Martin	St. John	
Glass	Harrison	McDonald		—10

Nays:

Messrs.:	Denton	Kirkland	Robertson
Barron	Figures	Little	Smith
Britnell	Hall	Miller	Taylor
Clemon	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	

—18

The question then recurred on the motion of Mr. Little.

Mr. Gullledge then offered a substitute motion that further consideration of the Bill, S. B. 81, as amended, be postponed until the next Legislative Day as Unfinished Business, which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 79. CONDEMNING THE REPREHENSIBLE ACTIONS OF THOSE RESPONSIBLE FOR THE BOMBING OF THE BESSEMER CITY HALL ON MAY 2, 1979.

Also:

H. J. R. 41. HONORING PROFESSOR ROBERT G. PITTS UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 17. To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-19, 34-7-24, 34-7-40 and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology so as to further regulate the profession.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 17. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 80. HONORING MR. AARON A. BRACKEEN OF ELKMONT, LIMESTONE COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 80, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (C), Moore, Amari, Waggoner, Bennett and Horn:

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 109. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hines:

H. J. R. 84. PROVIDING THAT THE ESCAMBIA COUNTY DELEGATION OF THE ALABAMA LEGISLATURE APPOINT A COMMITTEE TO STUDY THE COMPENSATION SCHEDULE OF THE ESCAMBIA COUNTY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select committee to study the compensation schedule of the Escambia County Commission. Such committee shall be composed of four members to be appointed by the Escambia County Legislative Delegation. The committee shall review the compensation of the Escambia County Commission for the purpose of evaluating said compensation.

The committee shall report its findings, conclusions and recommendations to the Escambia County Legislative Delegation on or before June 1, 1979, whereupon the committee shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 84, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Williams, Daniels, Carothers, Holley, and Smith (M):

H. J. R. 82. STATING THE LEGISLATURE'S RECOGNITION OF THE UNITED CHEROKEE TRIBE OF ALABAMA AND REQUESTING FEDERAL RECOGNITION THEREOF.

WHEREAS, the Cherokees have been in Alabama since time eternal and, as the first inhabitants of our state, are Alabama's first citizens whose descendants today number among our state's most prominent in all areas and professions; and

WHEREAS, it is estimated that some one-third of Alabama's present population is one thirty-second or more American Indian thereby qualifying as full-blooded native American; and

WHEREAS, regrettably, this country's first inhabitants have suffered more than any other group of people in our nation's history, persecuted to a degree unknown to all but those who have suffered the indignities and humiliation heaped upon them through the years by punitive policies of a government that would deny their very existence; and

WHEREAS, although in 1978, the United States Congress recognized and restored religious rights and freedom to American Indians, many other rights are still denied this nation of people; unlimited hunting and fishing rights, for example, are among those yet denied the Cherokees and other tribes, ironic and totally irrational in view of the fact that our native American Indians were our first environmentalists and our first conservationists who hunted and fished for food only; and

WHEREAS, to seek restoration of all their rights and recognition as a tribe, the Cherokees in Alabama have associated themselves together to form the United Cherokee Tribe of Alabama, an organization, encompassing all tribes represented in our state, for the purpose of preserving their heritage, culture, customs and religion; the United States Government has granted tax free status to this group but as yet has failed to recognize its members as a tribe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama formally recognizes the United Cherokees of Alabama as a tribe, and declares its belief that, as a non-profit organization, said tribe qualifies for tax free status in our state.

BE IT FURTHER RESOLVED, That the United States Government, particularly the Bureau of Indian Affairs, is hereby most strongly urged to also officially recognize the United Cherokees of Alabama as a tribe.

RESOLVED FURTHER, That copies of this resolution be sent to the President of the United States, the Bureau of Indian Affairs in Washington, to the presiding officers of the United States Senate and House of Representatives, and to each member of the Alabama Congressional Delegation in Washington, D.C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 82, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Messrs. Mitchem, Miller, Kirkland and Little offered the following Senate Resolution, to-wit:

S. R. 35. COMMENDING THE MEMBERS OF THE AUBURN UNIVERSITY SOIL JUDGING TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 55. To create the Private Colleges and Universities Facilities Authority; to authorize the Authority to acquire, construct and equip self-liquidating Projects consisting of educational facilities for lease or sale to private institutions of higher education; to confer powers and impose duties on the Authority; to provide for the appointment of members of the Authority; to authorize the issuance of revenue bonds of the Authority payable from

the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; to provide that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; to make such revenue bonds legal investments and to provide that any revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and to fix the venue for jurisdiction of actions relating to any provisions of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Figures	Martin	Proctor	
Barron	Gulledge	McDonald	Robertson	
Britnell	Harrison	Miller	St. John	
Callahan	Holmes	Mitchem	Smith	
Clemon	Kirkland	Parsons	Taylor	
deGraffenried	Lemaster	Pearson	Vacca	
Denton	Little			—25

Nays: —0

Abstaining: Mr. Hall. —1

The Bill:

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section and so as to add to the classes of revenues that may be so pledged revenues from airports and other revenue producing facilities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor	
Barron	Hall	Martin	Robertson	
Callahan	Harrison	McDonald	St. John	
deGraffenried	Holmes	Miller	Smith	
Denton	Kirkland	Mitchem	Taylor	
Figures	Lemaster	Pearson	Vacca	
				—23

Nays: —0

The Bill:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor, (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Gulledge	Miller	St. John
Britnell	Higginbotham	Mitchem	Smith
Callahan	Holmes	Parsons	Taylor
deGraffenried	Kirkland	Pearson	Vacca
Denton	Martin	Proctor	White
Figures	McDonald	Robertson	—22

Nays: Messrs.: Barron, Hall, Little. —3

MOTION TO ADJOURN LOST

At 1:21 P.M., Mr. Robertson moved that the Senate adjourn until Tuesday, May 8, 1979, at 2 o'clock P.M., which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

S. 42. To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Barron	Gulledge	Martin	St. John	
Britnell	Hall	McDonald	Smith	
Callahan	Harrison	Miller	Taylor	
Clemon	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	White	
Denton	Kirkland	Proctor		—26

Nays:

—0

The Bill:

S. 43. Relating to the membership of the State Board of Agriculture and Industries; to amend §§ 2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Mitchem	
Barron	Figures	Lemaster	Robertson	
Britnell	Gulledge	Little	Smith	
Callahan	Harrison	Martin	Taylor	
Clemon	Higginbotham	Miller	White	
deGraffenried	Holmes			—21

Nays:

—0

The Bill:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

was taken up.

Mr. Robertson offered the following amendment to the Bill, S. B. 41, to-wit:

AMENDMENT TO S. B. 41

Amend Senate Bill No. 41 Page 1 Line 28, by striking out 50.00 after the word be and inserting \$25.00.

Which was adopted.

REGULAR SESSION
6th Day

195

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Smith
Clemon	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	White
Denton	Lemaster		

—25

Nays: —0

And said Bill, S. B. 41, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Proctor
Barron	Harrison	Martin	Robertson
Britnell	Higginbotham	McDonald	St. John
Callahan	Holmes	Miller	Smith
Clemon	Kirkland	Mitchem	Taylor
deGraffenried	Lemaster	Parsons	White
Gulledge			

—24

Nays: —0

The Bill:

S. 44. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Smith
Clemon	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	White
Denton			

—24

Nays: —0

The Bill:

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Kirkland	Parsons	White
Figures	Lemaster		

—25

Nays:

—0

Mr. Little requested and received unanimous consent that his name be added as co-sponsor of the above numbered Bills, S. B.'s 44 and 45.

The Bill:

S. 107. To provide that retiring conservation law enforcement officers of the department of conservation and natural resources may keep their pistols and badges, and certain other equipment, as a retirement benefit, and to make this act retroactively effective to October 1, 1978.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Kirkland	Parsons	White
Figures	Lemaster		

—25

Nays:

—0

The Bill:

H. 171. Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

was taken up.

Mr. Denton offered the following amendment to the Bill, H. B. 171, to-wit:

AMENDMENT TO H. 171

On page 1, line 35, strike the words "on Inauguration Day in January 1983." and insert in lieu thereof the following:

on the first Monday after the second Tuesday in January 1981.

On page 2, line 7, strike the number "1982" and insert in lieu thereof the following:

1980

On page 3, strike Section 4 in its entirety and renumber the remaining sections.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John
Barron	Harrison	Mitchem	Smith
Britnell	Higginbotham	Parsons	Taylor
Callahan	Holmes	Pearson	Vacca
Clemon	Kirkland	Proctor	Weeks
Denton	Little	Robertson	White
Gulledge	McDonald		
			—25

Nays: —0

And said Bill, H. B. 171, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	St. John
Barron	Harrison	Mitchem	Smith
Britnell	Higginbotham	Parsons	Taylor
Callahan	Holmes	Pearson	Vacca
Clemon	Kirkland	Proctor	Weeks
Denton	Little	Robertson	White
Gulledge	McDonald		
			—25

Nays: —0

The Bill:

S. 120. To further regulate night hunting and taking of raccoons so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition.

was taken up.

Mr. Kirkland offered the following substitute for the Bill, S. B. 120, to-wit:

SUBSTITUTE FOR S. B. 120

A BILL
TO BE ENTITLED
AN ACT

To further regulate night hunting and taking of raccoons and opossums so as to permit the use of dogs, a light and a 22-caliber rimfire rifle or a shotgun using No. 6 shot or greater.

Be It Enacted by the Legislature of Alabama:

Section 1. Raccoons or opossums may be legally hunted and taken at night by catching or killing with the use of dogs, a light and a 22-caliber rimfire rifle or a shotgun using No. 6 shot or greater.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Britnell	Harrison	Martin	St. John	
deGraffenried	Holmes	Mitchem	Smith	
Denton	Kirkland	Parsons	Taylor	
Figures	Lemaster	Proctor	White	
Gulledge				—20

Nays:

—0

Mr. St. John moved that further consideration of the Bill, S. B. 120, as thus amended by the substitute, be postponed temporarily, which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 227. To amend Section 6-2-33 of the Code of Alabama 1975, which relates to the statute of limitations in civil actions, so as to remove from the ten-year period actions founded upon any contract or writing under seal.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 227. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 120

The Senate proceeded to further consideration of the Bill, S. B. 120, as thus amended by the substitute, to-wit:

Mr. McDonald offered the following amendment to the Bill, S. B. 120, as amended, to-wit:

AMENDMENT TO S. B. 120, AS AMENDED

Amend Senate Substitute for S. B. 120 Page 1 Line 23, by inserting after the word rifle the following "using short rifle ammunition"

and further amend by inserting on line 28 after the word rifle "using short rifle ammunition"

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Harrison	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
Britnell	Holmes	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks
Figures	Lemaster	Proctor	White
Gulledge	Little	Robertson	—26

Nays: —0

And said Bill, S. B. 120, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John	
Bailey	Higginbotham	McDonald	Smith	
Barron	Holmes	Miller	Taylor	
Britnell	Kirkland	Mitchem	Vacca	
Denton	Lemaster	Parsons	Weeks	
Gulledge	Little	Proctor	White	
Hall				—24

Nays: —0

The Bill:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Barron	Harrison	Martin	St. John	
Britnell	Higginbotham	McDonald	Smith	
deGraffenried	Holmes	Miller	Taylor	
Denton	Kirkland	Mitchem	Weeks	
Gulledge	Lemaster	Proctor	White	
				—23

Nays: —0

ADJOURNMENT

At 2:06 P.M., on motion of Mr. St. John, pending further consideration of S. B. 81, the Senate adjourned until Tuesday, May 8, 1979, at 2:05 P.M.

SEVENTH LEGISLATIVE DAY

TUESDAY, MAY 8, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Honorable Bobby Denton, First Senatorial District.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Teague for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton (with notice and proof):

S. 326. Relating to the City of Florence; amending Section 1 of Act No. 260, H. 316 of the 1978 Regular Session (Acts 1978, Vol. 1, p. 235), so as to make the municipal tax exemption on certain annexed farm property mandatory rather than discretionary with the city commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 326, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Pearson:

S. 327. Relating to voter registration; to require that the probate judge and chief probate clerk in certain counties be appointed as deputy registrars.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 328. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U.S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

Committee on Judiciary.

By Messrs. Parsons, Glass, Hall, Keener, Kirkland, Proctor and Robertson:

S. 329. To require insurance companies which write liability insurance for automobiles, products, medical practitioners, and governmental subdivisions to include in their annual reports to the commissioner of insurance a breakdown of policy premiums, claims information, underwriting income and loss, investment income, expenses, and other information which bears upon the profitability of business in this state.

Committee on Business and Insurance.

By Mr. Gullledge (with notice and proof):

S. 330. Relating to Baldwin County; providing for the compensation of the tax assessor and tax collector.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 330, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 331. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to require that elections on constitutional amendments be held at the next general election which is held in an even-numbered year, and that constitutional amendments that are not general shall only be submitted to the people of the county or municipality directly affected.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Gullledge (with notice and proof):

S. 332. Relating to Baldwin County; to further provide for the liability of the sheriff for the acts of his deputies.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 332, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison:

S. 333. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Committee on Judiciary.

By Mr. deGraffenried:

S. 334. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

Committee on Commerce, Transportation,
and Utilities.

By Mr. deGraffenried:

S. 335. To name the new wing of the State Oil and Gas Board Building, which is an addition to the present State Oil and Gas Board Building, as "The Philip E. LaMoreaux Center for Environmental Geology and Hydrology Studies".

Committee on Commerce, Transportation,
and Utilities.

By Mr. deGraffenried:

S. 336. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 or one governmental section in the case of gas plus 10 percent tolerance so as to

allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

Committee on Commerce, Transportation,
and Utilities.

By Mr. deGraffenried:

S. 337. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

Committee on Commerce, Transportation,
and Utilities.

By Mr. deGraffenried:

S. 338. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Martin:

S. 339. To provide for supplemental expense allowances for the district attorney and district judge of the 36th Judicial Circuit.

Committee on Local Legislation No. 1.

By Messrs. Smith and McDonald:

S. 340. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

Committee on Finance and Taxation.

By Messrs. Kirkland and Callahan:

S. 341. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fine for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fine.

Committee on Judiciary.

By Mr. Little (with notice and proof):

S. 342. To provide for certain one time expense allowances for the tax assessor and tax collector of Tallapoosa County to defray the expenses of converting their offices from a fee basis to a salary basis system of compensation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 342, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Figures:

S. 343. Amending ALA. CODE §6-10-123 (1975) to provide that for any waiver of exemption rights to be enforceable, the party asserting such a waiver in a civil action must plead and, if controverted, prove by a preponderance of the evidence presented that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

Committee on Judiciary.

By Mr. Figures:

S. 344. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

Committee on Judiciary.

By Mr. Figures:

S. 345. To repeal Sections 35-9-80 through 35-9-88, inclusive, of the Code of Alabama (1975), which presently provide for actions in forcible entry or unlawful detainer and for appeals in such cases and which duplicate Sections 6-6-310 et seq. of the Code of Alabama (1975).

Committee on Judiciary.

By Mr. Figures:

S. 346. To repeal Sections 6-6-351 through 6-6-353, inclusive, of the Code of Alabama (1975), which presently provide a separate procedure for appealing a forcible entry or unlawful detainer case from District Court to Circuit Court.

Committee on Judiciary.

By Mr. Vacca:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and of parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 348. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this act; to impose licensure and certification fees and to provide for the use of funds received.

Committee on Health and Welfare.

By Mr. Callahan:

S. 349. To permit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

Committee on Governmental Affairs.

By Mr. Robertson (with notice and proof):

S. 350. Relating to Pickens County; to regulate and provide for the payment of compensation of jurors; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 350, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Robertson (with notice and proof):

S. 351. Relating to Pickens County; to regulate and provide for the payment of compensation of election officers; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 351, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Robertson:

S. 352. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

Committee on Finance and Taxation.

By Messrs. Kirkland and Proctor:

S. 353. To provide for the registration of all perpetual care cemeteries; to define terms; to name and designate the Alabama State Commissioner of Insurance as Commissioner under this act, and authorize a deputy commissioner, with specifications of their duties; to provide for regulations; to provide for cemetery signs; to provide for mandatory contractual provisions; to require the creation of irrevocable trust funds, with trustees and depositories, and prescribe their functions; to provide for the issuance of

licenses, and the revocation, suspension and refusal to renew same, and hearings thereon; to provide for the promulgation of rules and regulations for the operation of perpetual care cemeteries; to provide for reports, inspections and audits in the administration of the provisions of this act; to provide for civil relief and criminal penalties; to repeal conflicting laws.

Committee on Governmental Affairs.

By Messrs. Kirkland and Proctor:

S. 354. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

Committee on Governmental Affairs.

By Messrs. Barron, Taylor, Harrison, Cook, Martin, Robertson, Lemaster, Weeks, Gulledge, Denton, Britnell, Vacca, deGraffenried, Little, Kirkland, Proctor, Miller, Callahan, Glass, Keener, Hall, Goodwin, and Parsons:

S. 355. To provide salary increases for certain State Employees and to appropriate funds therefor.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Coburn, Starkey and Greer (with notice and proof):

H. 382. Relating to Lauderdale County; providing further for the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the bill, H. B. 382, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 384. Relating to Choctaw County; further regulating the handling and expenditures of certain court fees accruing to Choctaw County; establishing the Choctaw County Law Library Fund and authorizing the expenditures of such funds; creating the Choctaw County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$1.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the circuit court, district court and small claims court of Choctaw County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 384, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 246. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Chilton County; to provide that witnesses may be subpoenaed by United States Mail in the county under certain conditions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 246, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 64. Relating to Conecuh County, to provide a county salary supplement for the chairman and each member of the county commission, retroactively effective to January 15, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 64, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson:

H. 362. To amend Sections 9-11-264 and 9-11-265, Code of Alabama 1975 relating to the trapping of fur-bearing animals, so as to provide that the provisions of such sections shall not apply to Lawrence County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 382, 384, 246, 64 and 362. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 135. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gafford, Pegues, Sasser and Ray:

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

Also:

By Rep. Hines (with notice and proof):

H. 368. Relating to Escambia County; to legalize the sale of draft or keg beer or malt beverages.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 368, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Hines and Warren (with notice and proof):

H. 367. To amend Section 1 of Act No. 248, H. 976 of the 1976 Regular Session of the Legislature entitled "An Act Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county" so as to provide further for the salary of said chief deputy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 367, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 24. To the Committee on Judiciary.

H. B.'s 368 and 367. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 91. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 8, 1979, we adjourn to meet again on Thursday, May 10, 1979; when we adjourn on Thursday, May 10, we adjourn to meet again on Tuesday, May 15, 1979; and when we adjourn on Tuesday, May 15, we adjourn to meet again on Thursday, May 17, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 91, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Mitchell:

H. J. R. 93. COMMENDING THE WEST ALABAMA EMERGENCY MEDICAL SERVICES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 93, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Carter (with notice and proof):

H. 97. To amend Section 5 of Act No. 367, S. 473, 1978 Regular Session (Acts of 1978, p. 310) relating to the compensation of the county superintendent of education and county board of education of Limestone County; so as to make the provisions of the Act retroactive to November 1, 1978.

By Reps. Greer, Starkey and Coburn:

H. 185. Proposing an amendment to the Constitution of Alabama to authorize the abolition and creation of certain offices in Lauderdale County.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Coburn and Goodwin (with notice and proof):

H. 249. Relating to Colbert County; providing further for the compensation of election officials.

RESOLUTIONS

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 36. REJECTING THE REPORT OF THE JUDICIAL COMPENSATION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report that the State Judicial Compensation Commission to the 1979 session of the Alabama Legislature is hereby rejected.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Supreme Court Justices by the Secretary of the Senate.

Which was read and referred to the Standing Committee on Rules.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. INVITING THE GOVERNOR TO ADDRESS THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Honorable Fob James, Governor of Alabama, is invited to speak informally to the House and the Senate at 10:00 o'clock on Thursday, May 17, 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched forthwith to Governor James that he may know of our request and that we hopefully await his acceptance of this invitation.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. MOURNING THE DEATH OF WILLIAM L. HOLLAND, JR.

WHEREAS, the Legislature of Alabama regretfully notes the death of William L. Holland, Jr. of Montgomery, Alabama, on April 28, 1979, in Montgomery, Alabama, at the age of 57; and

WHEREAS, William Holland, an employee of the Game and Fish Division, Alabama Department of Conservation and Natural Resources for 30 years was a graduate of Auburn University where he received a B.S. Degree in Wildlife Management; he was a member of The Wildlife Society, National

Wildlife Federation, Alabama Ornithological Society, Alabama Academy of Science and Metropolitan Museum of Science, a member also of the Elks Lodge, Moose Lodge, American Legion, Montgomery Art Guild and Montgomery Gem and Mineral Society; he further served as past president of the Southeast Federation of Gem and Mineral Societies; and

WHEREAS, Mr. Holland, as Chief of the Wildlife Section, Alabama Game and Fish Division, initiated a program of acquiring wildlife management areas through long term cooperative lease agreements with private landowners at no cost to the State whereby, the areas were made available for public hunting; under his leadership the number of wildlife management areas in the state available for public hunting was increased from 3 to 29 thus providing greatly increased hunting opportunities for many sportsmen who would not otherwise have a place to hunt; and

WHEREAS, under his direction a deer and wild turkey stocking program received high priority and as a result Alabama now has deer and turkey in all 67 counties and is recognized as a leader in deer and turkey management; his efforts and leadership contributed significantly to the very liberal deer hunting season and bag limit in the state and to the demonstrated biological soundness of a spring turkey season; the success of his efforts in deer and turkey management influenced game managers in other states to initiate similar programs; and

WHEREAS, William Holland's service as Chairman of the Bird Book Committee in 1962 resulted in publishing "Alabama Birds" by the Game and Fish Division; this book was the first major publication concerning birds of the state since 1924 and has done more than any other one thing to advance the science of ornithology and the sport of bird watching in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of William L. Holland, Jr., and we extend our deepest sympathy to his mother, Mrs. William L. Holland, Sr. and to his three sons, William L. Holland, III, Brooks L. Holland, and Robert M. Holland.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Holland so that they may know of our shared sorrow in their great loss.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 135. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING

The Bill:

H. 145. To repeal Act No. 899, H. 1673, approved September 7, 1971, Regular Session 1971 (Acts 1971, page 1663), entitled "An Act To authorize county boards of education in all counties having a population of not less than 34,000 nor more than 34,800, to appoint the superintendent of education for such counties."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Smith
Barron	Hall	Parsons	Taylor
Britnell	Harrison	Pearson	Vacca
Clemon	Holmes	Proctor	Weeks
Cook	Keener	Robertson	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 204. Relating to Covington County; to authorize the county board of education to appoint the superintendent of education for the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	St. John
Bailey	Hall	Miller	Smith
Barron	Holmes	Parsons	Taylor
Clemon	Kenner	Pearson	Vacca
Cook	Kirkland	Proctor	Weeks
Denton	Lemaster	Robertson	White
Figures	Little		

—25

Nays: —0

BILL RE-REFERRED

Mr. Hall moved that the Bill, H. B. 338, be removed from the Standing Committee on Local Legislation No. 1 and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 338, re-referred to the Standing Committee on Governmental Affairs.

BILLS ON THIRD READING RESUMED

The Bill:

H. 333. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons	
Bailey	Figures	Kirkland	Proctor	
Barron	Glass	Little	St. John	
Britnell	Goodwin	Martin	Smith	
Callahan	Gulledge	Miller	Taylor	
Clemon	Hall	Mitchem	Weeks	
Cook	Holmes			—25

Nays:

—0

The Bill:

H. 334. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Parsons	
Bailey	Denton	Keener	Pearson	
Barron	Glass	Lemaster	Proctor	
Britnell	Goodwin	Little	Smith	
Callahan	Hall	Martin	Taylor	
Clemon	Harrison	Miller	Weeks	
Cook	Higginbotham			—25

Nays:

—0

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the

application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

as amended, which said amendments are set out in the Journal of the Senate for the Sixth Legislative Day.

Mr. Little offered the following amendment to the Bill, S. B. 81, as amended, to-wit:

AMENDMENT TO S. B. 81, AS AMENDED

Amend S. B. 81, as amended, on page 3, in Section 1, on line 24 by inserting the following words and phrases:

"(2) Creditors shall not make charges under this subsection payable in advance, nor may charges be compounded; however, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such new loan contract may include any unpaid charges which have accrued. The resulting loan contract shall be deemed a new and separate loan transaction for all purposes.

"The principal balance of a loan on which charges have been made pursuant to Subsection (a) shall be the balance due after refund or credit is given the borrower.

"Borrowers under this subsection may pay in advance the principal balance, including any charges, of a loan contract without penalty.

"For purposes of computing charges for a fraction of a month, a day shall be considered one-thirtieth of a month.

On page 4, in Section 1, one line 4 strike the number "(2)" and insert in lieu thereof: (3)

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor
Bailey	Figures	Kirkland	Robertson
Barron	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Clemon	Hall	Martin	Taylor
Cook	Harrison	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White

—27

Nays:

—0

And said Bill, S. B. 81, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 10.

Yeas:

Messrs.:	Barron	Clemon	Goodwin
Bailey	Callahan	Cook	Gulledge

Harrison	Martin	Proctor	Vacca	
Higginbotham	McDonald	St. John	Weeks	
Keener	Mitchem	Smith	White	
Lemaster	Parsons	Taylor		—22

Nays:

Messrs.:	Figures	Kirkland	Pearson	
deGraffenried	Hall	Little	Robertson	
Denton	Holmes	Miller		—10

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 39. RESOLVED BY THE SENATE, That the following business in the order named by the special paramount and continuing order of business immediately upon the adoption of this resolution for the 7th and 8th Legislative Days, taking precedence over all other business and the regular order of business:

Bill No.	Page No.	Description
S. 10	7	Rules of the Road
S. 74	10	Priv. Comm. w/clergyman
S. 95	11	Ct. of Crim. Appeals, Pers.
S. 89	4	Smoke Det. Hotel Rooms
H. 176	14	Nuclear Wastes
H. 25	15	Psychologists Fees
H. 19	14	Public Works Projects
S. 23	8	Liquefied Petroleum gas
S. 231	14	Abandonment of an animal
S. 223	6	Controlled sub., further reg.
S. 191	5	Teaching permits, dental hyg. fee
S. 148	4	Continue Brewer St. Jr. Tusc.
S. 47	12	Seed Complaints
S. 27	8	Trucks w/cert. rd. bldg. mat. exempt PSC reg.
S. 243	11	Use of a deadly force to protect home
S. 164	13	Boat Reg.
S. 33	6	Proc. for canc. shares of corp.
S. 220	9	Real est. comm, rules proh.
S. 37	9	Turn on Red
S. 88	8	Mat. Cert. Deposit

S. 75	10	Vol. Fire Dept. civil lial. exempt.
S. 2	7	Fleet Owners of rent. util. trailers reg. & lic.
S. 76	4	U. Montevallo
S. 17.	9	Deceptive Trade Practices Act

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 10. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 10, to-wit:

COMMITTEE AMENDMENT TO S. B. 10

Amend Senate Bill 10, Page 37, Line 11, by adding to the end of the paragraph the following:

Nothing contained in this section is intended to abrogate or modify the present Alabama doctrine of "Stop, Look and Listen," obtaining in the courts of Alabama.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Britnell	Hall	Little	Smith
Callahan	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland	Robertson	—26

Nays: —0

And said Bill, S. B. 10, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Cook	Figures	Harrison
Britnell	deGraffenried	Gulledge	Higginbotham
Callahan	Denton	Hall	Holmes

Keener
Kirkland
Lemaster
Little
Martin

McDonald
Miller
Mitchem
Parsons

Proctor
Robertson
St. John
Smith

Taylor
Vacca
Weeks
White

—28

Nays:

—0

UNANIMOUS CONSENT GRANTED

Mr. Robertson requested and received unanimous consent that the Bill, S. B. 243, be removed from the Special Order Calendar (S. R. 39).

MOTION IN WRITING

Mr. Robertson then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 243, on page 11 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 243, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 145. To repeal Act No. 899, H. 1673, approved September 7, 1971, Regular Session 1971 (Acts 1971, page 1663), entitled "An Act To authorize county boards of education in all counties having a population of not less than 34,000 nor more than 34,800, to appoint the superintendent of education for such counties."

Also:

H. 204. Relating to Covington County; to authorize the county board of education to appoint the superintendent of education for the county.

Also:

H. 333. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Also:

H. 334. To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of law in conflict herewith; and prescribing the time when this Act shall become effective.

Also:

H. J. R. 80. HONORING MR. AARON A. BRACKEEN OF ELKMONT, LIMESTONE COUNTY, ALABAMA.

Also:

H. J. R. 84. PROVIDING THAT THE ESCAMBIA COUNTY DELEGATION OF THE ALABAMA LEGISLATURE APPOINT A COMMITTEE TO STUDY THE COMPENSATION SCHEDULE OF THE ESCAMBIA COUNTY COMMISSION.

Also:

H. J. R. 91. Relative to the following meeting dates: Thursday, May 10, 1979, Tuesday, May 15, 1979, and Thursday May 17, 1979.

Also:

H. J. R. 93. COMMENDING THE WEST ALABAMA EMERGENCY MEDICAL SERVICES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 74. To provide for privileged communications with clergymen.
was taken up.

Mr. Robertson offered the following amendment to the Bill, S. B. 74, to-wit:

AMENDMENT TO S. B. 74

Amend Senate Bill No. 74 Page 1 Line 33, by striking out criminal after the word or

On motion of Mr. Proctor, said amendment was laid on the table.

Yeas 19; Nays 8.

Yeas:

Messrs.:	Goodwin	McDonald	St. John
Bailey	Gulledge	Miller	Smith
Barron	Holmes	Mitchem	Vacca
Clemon	Kirkland	Pearson	Weeks
Denton	Little	Proctor	White

—19

Nays:

Messrs.:	Hall	Keener	Robertson
Figures	Higginbotham	Parsons	Taylor
Glass			

—8

Mr. Robertson then offered the following amendment to the Bill, S. B. 74, to-wit:

AMENDMENT TO S. B. 74

Amend Senate Bill No. 74 Page 1 Line 34, by striking out a grand jury investigation after the word record

On motion of Mr. Proctor, said amendment was laid on the table.

Yeas 23; Nays 6.

Yeas:

Messrs.:	deGraffenried	Little	St. John
Bailey	Denton	McDonald	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Clemon	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White

—23

Nays:

Messrs.:	Hall	Keener	Robertson
Glass	Higginbotham	Parsons	—6

Mr. Robertson then offered the following amendment to the Bill, S. B. 74, to-wit:

AMENDMENT TO S. B. 74

Amend Senate Bill No. 74 Page 2 Line 7, by striking out to make a confession after the word manner (a)

On motion of Mr. Proctor, said amendment was laid on the table.

And said Bill, S. B. 74, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 2.

Yeas:

Messrs.:	Denton	Lemaster	Pearson
Bailey	Goodwin	Little	Proctor
Barron	Gulledge	Martin	Robertson
Britnell	Hall	McDonald	St. John
Callahan	Harrison	Miller	Smith
Clemon	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	White
deGraffenried	Kirkland		

—29

Nays: Messrs.: Glass, Higginbotham.

—2

POINTS OF PERSONAL PRIVILEGE

Mr. Miller requested and received unanimous consent that his name be added as co-sponsor of the Bill, S. B. 74.

Mr. Barron requested and received unanimous consent that his name be added as co-sponsor of the Bill, S. B. 74.

BILLS ON THIRD READING RESUMED

The Bill:

S. 95. To amend further Section 12-3-34, Code of Alabama 1975, relating to the Alabama Court of Criminal Appeals' authority to hire certain personnel, so as to change the designation of the position of "stenographer" to "confidential assistant".

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—33

Nays: —0

MOTION TO ADJOURN LOST

At 5 o'clock P.M., Mr. Keener moved that the Senate adjourn until Thursday, May 10, 1979, at 10 o'clock A.M., which motion was lost.

Yeas 7; Nays 19.

Yeas:

Messrs.:	Figures	Parsons	Taylor
deGraffenried	Keener	Robertson	
Denton			

—7

Nays:

Messrs.:	Harrison	Little	Pearson
Barron	Higginbotham	Martin	Proctor
Britnell	Holmes	McDonald	St. John
Callahan	Kirkland	Miller	Weeks
Goodwin	Lemaster	Mitchem	White

—19

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

By Mr. Teague:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

ALBERT McDONALD,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 94. To provide for compliance by savings and loan associations with regulations of the Federal Home Loan Bank Board which require that no loan on the security of a savings account may be made at a rate of interest that is less than one percent per annum in excess of the rate of return payable on any such account.

Also:

S. 26. To provide that individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or licensed lending institution having its principal place of business in Alabama; and to provide that the provisions hereof are cumulative.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

S. 89. To amend Section 34-15-4 Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

was taken up.

The Standing Committee on Health and Welfare reported the following amendments to the Bill, S. B. 89, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 89

Amend Senate Bill 89, Page 1, Line 35, by inserting after the word "Room" the following sentence:

Specifications of smoke detector device shall be as prescribed by the state fire marshal.

COMMITTEE AMENDMENT NO. 2 TO S. B. 89

Section 2 is hereby deleted and sub-section 13-15-4 (c) shall be inserted as follows:

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The provisions of this sub-section will become effective 180 days after the passage of this Act and approval by the Governor or upon its otherwise becoming a law.

Mr. St. John moved that consideration of the Bill, S. B. 89, and pending amendments, be postponed temporarily, which motion was lost.

Yeas 14; Nays 16.

Yeas:

Messrs.:	Glass	Higginbotham	St. John
Callahan	Goodwin	Lemaster	Weeks
Clemon	Gulledge	Martin	White
Cook	Harrison	McDonald	

—14

Nays:

Messrs.:	Denton	Keener	Parsons
Bailey	Figures	Kirkland	Proctor
Barron	Hall	Little	Robertson
Britnell	Holmes	Miller	Taylor

—16

The question was then on the amendments reported by the Standing Committee on Health and Welfare, and on motion of Mr. Little, said amendments were laid on the table.

Mr. Little then offered the following substitute for the Bill, S. B. 89, to-wit:

SUBSTITUTE FOR S. B. 89

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-15-4, Code of Alabama 1975 relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-15-4, Code of Alabama 1975 is hereby amended to read as follows:

"§ 35-15-4. (a) Every owner, manager or operator of a hotel shall maintain the physical and sanitary condition of the structure, its equipment, water supply and human waste disposal and shall conduct the operations thereof in such manner as to render services and accommodations to travelers in compliance with rules and regulations governing hotels and hotel operation adopted by the state board of health.

"(b) Every owner, manager, or operator of a hotel shall install and maintain in operating condition a battery or electrically operated smoke detector device in each hotel guest sleeping room. Specifications of smoke detector device shall be as prescribed by the state fire marshal.

Section 2. The provisions of this act will become effective 180 days after the passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Parsons
Barron	Glass	Keener	Robertson
Britnell	Goodwin	Little	Smith
Callahan	Gulledge	Martin	Taylor
Clemon	Hall	McDonald	Vacca
deGraffenried	Harrison	Miller	Weeks
Denton	Higginbotham	Mitchem	White

—27

Nays:

—0

Mr. Callahan offered the following amendment to the Bill, S. B. 89, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 89

Amend Senate Bill 89 on line 12 by striking out the period and inserting the following:

“, and to amend Section 28-3-162 (b) so as to allow sales of liquor at any counter or bar.”

Further amend Senate Bill 89 on line 21 by striking out the period and inserting the following:

“, and to amend Section 28-3-162 (b) so as to allow sales of liquor at any counter or bar.”

Further amend Senate Bill 89 immediately following Section 1 on line 38 by inserting the following new section and by renumbering the remaining section in proper numerical sequence:

“Section 2. Section 28-3-162 (b) Code of Alabama 1975 is hereby amended as follows:

“Section 28-3-162. (b) A hotel, club or restaurant licensee shall not maintain any counter or bar at or over which liquors, vinous or malt beverages are sold to guest, patrons or members.”

On motion of Mr. Little, said amendment was laid on the table.

And said Bill, S. B. 89, as thus amended by the substitute, was read a third time at length and lost.

Yeas 15; Nays 17.

Yeas:

Messrs.:	Denton	Keener	Parsons
Bailey	Figures	Lemaster	Pearson
Britnell	Hall	Little	Smith
deGraffenried	Harrison	Martin	Taylor

Nays:

Messrs.:	Gulledge	Miller	St. John
Barron	Higginbotham	Mitchem	Vacca
Callahan	Holmes	Proctor	Weeks
Glass	Kirkland	Robertson	White
Goodwin	McDonald		

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REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 26. To provide that individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or licensed lending institution having its principal place of business in Alabama; and to provide that the provisions hereof are cumulative.

Also:

S. 94. To provide for compliance by savings and loan associations with regulations of the Federal Home Loan Bank Board which require that no loan on the security of a savings account may be made at a rate of interest that is less than one percent per annum in excess of the rate of return payable on any such account.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 176. To prohibit the disposal of certain nuclear spent fuel or radioactive material or waste by the United States of America in any site within the state.

was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Goodwin
Bailey	Cook	Figures	Gulledge
Barron	deGraffenried	Glass	Hall

deceased or incompetent persons who have suffered such an injury, within ten (10) days if such person is actually confined to a hospital, or if no hospital confinement, within three (3) days from the date of occurrence causing the person's injury; and to prohibit the use of such releases and statements as evidence in any court.

Also:

By Reps. Carothers, Pegues, Hines, Gafford and Waggoner:

H. 200. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 167 and 200. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gafford, Waggoner, Moore, Carothers, Albright, Shoemaker, Trammell, Sandusky, Harvey, Daniels, Seibels, Parker, Johnson (Roy), Drinkard, Johnson (R. G.), Blake, Roberts, Stout, Smith (M), Gilmer, Gregg, Starkey, Holley, McMillan, Carter, Lewis, McKee, Cabaniss, Bennett, Biddle, Sasser, Amari, Olive, Bowling, Letson, Ford, Cooley, Grimsley, Adams (C), Whatley, Laird, Cates, Clark, Turnham, Penry, Turner, Stewart, Harper, Minus, Boles, Grouby and Zoghby:

H. 242. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 242. To the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Hines, Holley, Gafford and Williams:

H. 139. To amend Section 41-4-150 of the Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number of copies printed and provide for the distribution of the journals.

Also:

By Rep. McMillan:

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

Also:

By Rep. Wyatt:

H. 39. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 139. To the Committee on Governmental Affairs.

H. B. 236. To the Committee on Commerce, Transportation, and Utilities.

H. B. 39. To the Committee on Finance and Taxation.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 2.

S. J. R. 8.

S. J. R. 19.

Delivered to the Governor, April 24, 1979, at 4:55 P.M.

S. J. R. 11.

S. J. R. 15.

Delivered to the Governor, May 1, 1979, at 3:50 P.M.

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S. J. R. 20.

S. J. R. 25.

Delivered to the Governor, May 3, 1979, at 10:45 A.M.

S. B. 135.

Delivered to the Governor, May 8, 1979, at 3:10 P.M.

S. B. 26.

S. B. 94.

Delivered to the Governor, May 8, 1979, at 6:00 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:09 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of H. B. 19, the Senate adjourned until Thursday, May 10, 1979, at 11 o'clock A.M.

Yeas 24; Nays 9.

Yeas:

Messrs.:	Figures	Keener	Pearson
Bailey	Glass	Little	Proctor
Britnell	Goodwin	McDonald	Robertson
Callahan	Gulledge	Miller	St. John
Cook	Hall	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton			

—24

Nays:

Messrs.:	Higginbotham	Martin	Taylor
Barron	Kirkland	Smith	White
Harrison	Lemaster		

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EIGHTH LEGISLATIVE DAY

THURSDAY, MAY 10, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Karl K. Stegall, Whitfield Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Clemon	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		

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JOURNAL

On motion of Mr. McDonald, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDonald, leave of absence was granted Messrs. Callahan and Teague for today.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 19. To repeal Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 28. ENCOURAGING THE U. S. CONGRESS TO DESIGNATE THE AMERICAN MARIGOLD AS THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES.

Also:

S. J. R. 37. INVITING THE GOVERNOR TO ADDRESS THE LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. St. John, Mitchem, Martin, Bailey, Cook, Figures, Goodwin, Gullledge, Higginbotham, Britnell, Smith, Holmes, Parsons, and Keener:

S. 356. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-3, 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

Committee on Governmental Affairs.

By Messrs. Figures, Parsons, Miller, and Robertson:

S. 357. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

Committee on Judiciary.

By Mr. Proctor:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of the Adjutant General of the State of Alabama.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Henry H. Cobb, Jr., Birmingham, Alabama, as the Adjutant General of the State of Alabama with grade of Major General.

Respectfully,

FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of Adjutant General of the State of Alabama was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Commission on Higher Education.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

REGULAR SESSION
8th Day

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To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Claude Burke, Arab, Alabama, as a member of the Alabama Commission on Higher Education for the term expiring August 31, 1987.

Respectfully,
FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Auburn University.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Morris Savage, Jasper, Alabama, as a member of the Board of Trustees of Auburn University for the term expiring January, 1991.

Respectfully,
FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Auburn University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Auburn University.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Michael B. McCartney, Gadsden, Alabama, as a member of the Board of Trustees of Auburn University for the term January, 1991.

Respectfully,

FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Auburn University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Auburn University.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the Honorable Bill Nichols, Washington, D.C., as a member of the Board of Trustees of Auburn University for the term expiring January, 1991.

Respectfully,
FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the reappointment to the Board of Trustees of Auburn University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment on the State Personnel Board.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Edwin M. Dixon, Birmingham, Alabama, as a member of the State Personnel Board for the term expiring March 2, 1985.

Respectfully,
FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all state cafeterias. Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate. The chairman of the committee shall be chosen by the members.

The committee shall report its findings, recommendations and suggested legislation to the legislature by the 20th legislative day of the 1979 Regular Session.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Cook, Little, Bailey, Barron, Britnell, Callahan, Clemon, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. COMMENDING BARBARA MANDRELL AS FEMALE VOCALIST OF THE YEAR.

WHEREAS, Barbara Mandrell of Nashville, Tennessee, and Still Waters on Lake Martin, Dadeville, Alabama, has distinguished herself by being selected as Country Music's Female Vocalist of the Year; and

WHEREAS, country music singer, Barbara Mandrell, has further distinguished herself through her untiring contributions to the youth of our state by lending her talents and resources to the Alabama Sheriffs Boys' and Girls' Ranches; and

WHEREAS, the Barbara Mandrell Alabama Sheriffs Girls' Ranch Benefit, held each October, provides significant funding for the cause of giving great numbers of girls an opportunity to grow into womanhood within the very best quality of life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and fellow Alabama citizen, Barbara Mandrell; we further express our deep appreciation for her outstanding service to the youth of our state, especially the girls of the Alabama Sheriffs Girls' Ranch, and direct that she receive a copy of this resolution as a token of our affection, admiration and praise.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Figures offered the following Senate Resolution, to-wit:

S. R. 42. COMMENDING VICTOR BELL OF PLATEAU, ALABAMA, FASTEST 100-YARD-DASH RUNNER AMONG TWELVE AND THIRTEEN YEAR OLDS IN THE UNITED STATES.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 198. To amend Sections 16-24-7, 16-24-10, and 16-24-36, Code of Alabama, 1975, relating to hearings before the Alabama State Tenure Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 198. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Stewart, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 106. RECOGNIZING MR. JOHN WAYNE ON HIS OUTSTANDING CAREER WHICH HAS GIVEN UNEXCELLED PLEASURE THROUGH ENTERTAINMENT TO THE AMERICAN PEOPLE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 106, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Real Estate Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 10th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, David Edward Harbison, Sr., Cullman, Alabama as a member of the Alabama Real Estate Commission for the term expiring September 30, 1983.

Respectfully,

FOB JAMES,
Governor.

Done this 10th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carter and Roberts (With Substitute):

H. 133. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 323. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1980.

By Mr. Pearson:

S. 296. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Mr. Pearson:

S. 297. To make appropriations for the support and maintenance of the Marion Military Institute.

By Mr. Pearson:

S. 295. To make appropriations for the support and maintenance of the Talladega College.

By Mr. Pearson:

S. 298. To make appropriations for the support and maintenance of the Walker County Junior College.

By Mr. Pearson:

S. 299. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

By Rep. Owens:

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

By Messrs. Barron, Taylor, Harrison, Cook, Martin, Robertson, Lemaster, Weeks, Gullledge, Denton, Britnell, Vacca, deGraffenried, Little, Kirkland, Proctor, Miller, Callahan, Glass, Keener, Hall, Goodwin, and Parsons:

S. 355. To provide salary increases for certain State Employees and to appropriate funds therefor.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith, St. John, McDonald, Mitchem, Miller, Holmes, Taylor, Clemon, Little, Gullledge, Martin, Lemaster, Higginbotham, deGraffenried, Teague, and Bailey (With Amendments):

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem and Kirkland:

S. 46. To amend Section 8-15-3 of the Code of Alabama 1975 so as to increase the annual filing of permit fee from \$5.00 to \$25.00 required to be paid to the Commissioner of Agriculture and Industries by persons operating a public warehouse.

By Messrs. Kirkland and Mitchem:

S. 245. To amend Sections 9-13-10, 9-13-24 and 9-13-64, Code of Alabama 1975 relating to the powers of the state forestry commission employees as to the enforcement of laws, prevention and suppression of forest fires, and the power to arrest, so as to assign these powers to the forest law enforcement officers.

By Messrs. Mitchem and Kirkland:

S. 256. To amend § 9-14-5, Code of Alabama 1975, so as to require the Alabama State Highway Department to repair and maintain all roads and bridges described therein.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 160. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

By Mr. Taylor:

S. 161. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

By Messrs. Harrison, Taylor, Holmes, Robertson, Denton, Gulledge, Parsons, White, and Bailey:

S. 215. To amend Section 38-7-2, Code of Alabama 1975, which provides for the Child Care Act of 1971, so as to exempt certain church related facilities and programs from the provisions of said act.

By Mr. Higginbotham:

S. 239. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

By Mr. Smith (C), et al:

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

By Reps. Campbell and Willis:

H. 201. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton (With Amendment):

S. 15. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 32. To amend Act No. 408 of the Regular Session, 1977 to further prescribe, authorize and regulate investments of life, disability and burial insurance companies by authorizing investment in certain type of mortgage loan up to one hundred percent of value under certain conditions.

By Messrs. Cook and White:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Mr. Callahan, Vice Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 138. To regulate the registration and identification of certain mobile homes.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Amendment):

S. 198. To amend Section 37-2-81, Code of Alabama 1975, "Duty of locomotive engineer to ring bell or blow horn, etc.," to state and redefine the duties of a locomotive engineer in the operation of a locomotive to accord with and control modern railroad equipment and practices.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 225. To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

By Mr. Callahan:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other non-conforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

By Rep. McMillan:

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Keener, Mitchem, Smith, Denton, Gulledge, deGraffenried, Harrison, Kirkland, St. John, and Parsons (With Amendments):

S. 50. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of

a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violations of this Act; and repealing all laws that conflict with this Act.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Figures and Vacca:

S. 139. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

By Messrs. Kirkland and Proctor:

S. 117. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Substitute):

S. 38. To amend Section 26-4-145, Code of Alabama 1975, so as to permit a ward's property to be sold without advertising or with limited advertising in certain instances.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (with notice and proof):

S. 34. Relating to Madison County; to provide further for the compensation of the members of the county board of equalization by authorizing the Madison County commission to provide certain county salary supplements for such members.

By Mr. McDonald (with notice and proof):

S. 35. Relating to Madison County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day for the county general fund.

By Mr. Denton (with notice and proof):

S. 326. Relating to the City of Florence; amending Section 1 of Act No. 260, H. 316 of the 1978 Regular Session (Acts 1978, Vol. 1, p. 235), so as to make the municipal tax exemption on certain annexed farm property mandatory rather than discretionary with the city commission.

By Mr. Gullledge (with notice and proof):

S. 330. Relating to Baldwin County; providing for the compensation of the tax assessor and tax collector.

By Mr. Gullledge (with notice and proof):

S. 332. Relating to Baldwin County; to further provide for the liability of the sheriff for the acts of his deputies.

By Mr. Martin:

S. 339. To provide for supplemental expense allowances for the district attorney and district judge of the 36th Judicial Circuit.

By Mr. Little (with notice and proof):

S. 342. To provide for certain one time expense allowances for the tax assessor and tax collector of Tallapoosa County to defray the expenses of converting their offices from a fee basis to a salary basis system of compensation.

By Mr. Robertson (with notice and proof):

S. 350. Relating to Pickens County; to regulate and provide for the payment of compensation of jurors; and to provide for retroactive effect.

By Mr. Robertson (with notice and proof):

S. 351. Relating to Pickens County; to regulate and provide for the payment of compensation of election officers; and to provide for retroactive effect.

By Rep. Venable (with notice and proof):

H. 91. To amend the title and Section 1 of Act No. 481, H. 1136, Regular Session 1977 (Acts 1977, p. 628), entitled, "An Act Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date," so as to provide that the annual salary of the superintendent of education shall be set at a figure of not less than \$5,000 nor more than \$10,000 more than the highest paid principal in the county and giving the board of education discretion in granting expenses.

By Rep. Letson:

H. 362. To amend Sections 9-11-264 and 9-11-265, Code of Alabama 1975 relating to the trapping of fur-bearing animals, so as to provide that the provisions of such sections shall not apply to Lawrence County.

By Reps. Coburn, Starkey and Greer (with notice and proof):

H. 382. Relating to Lauderdale County; providing further for the compensation of election officials.

By Rep. Minus (with notice and proof):

H. 384. Relating to Choctaw County; further regulating the handling and expenditures of certain court fees accruing to Choctaw County; establishing the Choctaw County Law Library Fund and authorizing the expenditures of such funds; creating the Choctaw County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$1.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the circuit court, district court and small claims court of Choctaw County.

RESOLUTION

Messrs. Smith, Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. OPPOSING CONGRESSIONAL BUDGET CUT FOR GENERAL REVENUE SHARING.

WHEREAS, the State of Alabama receives approximately \$36,000,000 each year under the General Revenue Sharing Program which is applied to the operating budgets of Mental Health (\$16,400,000), Corrections (\$7,000,000), General Government (\$5,000,000), Economic and Community Development (\$1,000,000), and Highway Maintenance (\$6,588,000); and

WHEREAS, over 95% of these funds are annually applied to the State's operating budget and less than five percent are annually applied to capital outlay; and

WHEREAS, the termination of the General Revenue Sharing program for the states will mean a loss in revenue to the State of Alabama of approximately \$27,000,000 for the fiscal year ending September 30, 1980, and \$36,000,000 each fiscal year thereafter, thus placing undue and severe strains on the services that the State provides its citizens, as well as the pocket books of those citizens who pay for the services; and

WHEREAS, there are ample other appropriations in the \$532 billion budget which President Carter has proposed which are useless and wasteful expenditures and which are much less valuable to the people of the United States than the General Revenue Sharing program; and

WHEREAS, should the General Revenue Sharing program not be reinstated in the budget for the fiscal year ending September 30, 1980, the Alabama Legislature will have to be called into Special Session to impose new revenue raising measures and/or places to cut needed services, even though Alabama is regarded as a low service state, and thus will incur at least a half million dollars in unnecessary expenses at a time when the state is making every effort to streamline itself and operate efficiently at the least possible expense to the taxpayer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend our Alabama Congressional Delegation for their efforts and support to balance the Federal Budget, but they are hereby requested to cut unneeded and unnecessary programs in the Federal budget rather than imposing a crisis in

state government because of the loss of revenue sharing. Alabama's General Fund has severe pressure caused by such programs as Medicaid and Mental Health, which are suffering from reductions in Federal funding or Federally mandated costs. The programs funded out of the General Fund have historically suffered from funding, and loss of Revenue Sharing would only result in loss of needed services or cause severe pressures for additional taxes.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded by telegram or by other rapid communication, to each member of the Alabama Congressional Delegation that they might know our concern for the plight of the taxpayer in Alabama and our desire not to impose new taxes as a result of Congressional action.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 25. To amend Section 34-26-22, Code of Alabama 1975, by changing the biennial registration fee for licensed psychologists to an annual registration fee of \$50.00; to amend Section 34-26-43, Code of Alabama 1975, by increasing the application fee for permanent licenses as psychologists to \$125.00; and to provide for an examination fee for candidates for licensure as psychologists not to exceed \$100.00.

Also:

H. 176. To prohibit the disposal of certain nuclear spent fuel or radioactive material or waste by the United States of America in any site within the state.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Owens and McCorquodale:

H. J. R. 107. HONORING DELTA AIR LINES ON THE OCCASION OF ITS 50TH ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 107, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 171. Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Greer, Coburn, and Starkey.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Denton, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	St. John
Bailey	Goodwin	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Harrison	Parsons	Vacca
Clemon	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Denton, Britnell and Keener.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of

education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 54, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 7th day of May, 1979.

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 54 without my signature and approval and with the following suggested Executive Amendment.

Amend Section 1 by deleting the following language:

"No board of education of institution of higher learning shall reduce or transfer any appropriation for salaries or wages."

Insert in lieu thereof the following:

"No board of education or institution of higher learning shall reduce or transfer any appropriation for salaries or wages."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 54, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 72, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 71, Nays 0.

And said Bill, H. 54, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 54, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith
Barron	Harrison	Miller	Taylor
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Robertson	Weeks
Denton	Keener	St. John	White
Goodwin	Little		

—21

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 372. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Tuskegee, in Macon County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 372, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Dixon, Turnham, Daniels, McKee, Ward, Lewis, Payne, Cobb, Dial, Bennett and Grouby:

H. 93. To amend Code of Alabama 1975, §§ 16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 372. To the Committee on Local Legislation No. 1.

H. B. 93. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 375. Relating to Choctaw County; establishing the Choctaw County Medical Scholarship Board; providing for its composition; authorizing the county commission to allocate money from the county treasury to the board for its use; authorizing the City Council of the City of Butler to allocate money from the city treasury to the board for its use; and authorizing the board to receive money from private sources for its use.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 375, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sasser (with notice and proof):

H. 318. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 318, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Williams and Sasser (with notice and proof):

H. 429. To alter or rearrange the boundary lines of the Town of Midland City, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 429, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren:

H. 460. To provide Solicitor Counsels for the 35th Judicial Circuit; to provide the conditions under which a County Solicitor or District Attorney of the 35th Judicial Circuit may become a Solicitor Counsel; to prescribe the

qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from such office.

Also:

By Rep. Cheatwood (with notice and proof):

H. 46. To repeal Act No. 786, H. 60, 1975 Regular Session (Acts of Alabama 1975, p. 1572), entitled, "An Act Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 46, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Seibels, Boles, Bennett, Howard, Horn, Olive, Amari, Cheatwood and Nevett (with notice and proof):

H. 187. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 187, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (H) (with notice and proof):

H. 297. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Cherokee County, Alabama; to authorize the governing body of said county to expend public funds under its control thereof; to provide for taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 297, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Carter:

H. 188. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver

identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 375, 318, 429, 460 and 297. To the Committee on Local Legislation No. 1.

H. B.'s 46 and 187. To the Committee on Local Legislation No. 2.

H. B. 188. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lewis, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghyby:

H. J. R. 95. MOURNING THE TRAGIC DEATH OF CLIFFORD T. HILL OF BESSEMER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 95, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Dial, Kelley, Shoemaker, Whatley, and Manley:

H. J. R. 97. MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE IMMEDIATE ACTION TO RESOLVE THE UNCERTAINTIES SURROUNDING THE USE OF PUBLIC LANDS AND TO TAKE OTHER SUCH NECESSARY ACTION SO AS TO PROVIDE FOR DEVELOPMENT AND PROGRESS TO MEET THE CHANGING NEEDS OF OUR NATION.

Also:

By Reps. Payne, Seibels, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 100. COMMENDING THE SCHOOL OF COMMUNITY AND ALLIED HEALTH AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

By Reps. Ray and Holley:

H. J. R. 103. DESIGNATING U. S. HIGHWAY 84 FROM THE EAST TO WEST STATE BOUNDARIES AS A BLUE STAR MEMORIAL HIGHWAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 97, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 100, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sasser, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 98. Whereas, the Vietnam War was the longest, most expensive, most divisive and most costly in human lives and suffering in the history of our nation; and

Whereas, the courageous and loyal Americans who participated in that conflict were denied the honor, glory and the gratitude which was their due because of the lack of agreement among our citizens as to what constituted our highest duty; and

Whereas, we join all fair minded and patriotic Americans in recognition of the valor and loyalty displayed by all those who served in our Armed Forces during the war in Southeast Asia; and

Whereas, we offer our respect and gratitude to those who served and to those loved ones who were left behind we offer our concern and understanding, and to those who suffered the wounds of war we offer our continued support:

Now, Therefore, Be It Resolved, that the Legislature of the State of Alabama, both Senate and House of Representatives concurring that we honor the patriotism of our Vietnam era veterans and their families, and call upon our fellow citizens to join all Americans to observe the week of May 28 through June 3, 1979, as Vietnam Veterans Week; and

Be It Further Resolved, that we commend the veterans for the high patriotism and the valor which they demonstrated during the extreme challenge of war and for their contributions of their communities in this time of peace.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 19

The Senate proceeded to further consideration of the Bill, H. B. 19.

REGULAR SESSION
8th Day

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ADJOURNMENT

At 1:39 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted and pending further consideration of H. B. 19, the Senate adjourned until Tuesday, May 15, 1979, at 12 o'clock Noon.

Yeas 16; Nays 8.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Britnell	Hall	McDonald	Vacca
deGraffenried	Higginbotham	Mitchem	Weeks
Denton	Keener	Robertson	White
Figures			—16

Nays:

Messrs.:	Kirkland	Martin	Smith
Barron	Little	Proctor	Taylor
Harrison			—8

NINTH LEGISLATIVE DAY

TUESDAY, MAY 15, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend S. Michael O'Brien, Minister, First Presbyterian Church, Albertville, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Teague for today.

COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to the provisions of H. J. R. 61, the President and Presiding Officer of the Senate appointed Messrs. McDonald, St. John, Pearson, and Little to study Salaries and Related Matters.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 54. To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President at the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 106. RECOGNIZING MR. JOHN WAYNE ON HIS OUTSTANDING CAREER WHICH HAS GIVEN UNEXCELLED PLEASURE THROUGH ENTERTAINMENT TO THE AMERICAN PEOPLE.

Also:

H. J. R. 107. HONORING DELTA AIR LINES ON THE OCCASION OF ITS 50TH ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hall:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

Committee on Banking and Insurance.

By Messrs. Robertson, Parsons, and Denton:

S. 360. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Keener (with notice and proof):

S. 361. Relating to the City of Gadsden, Alabama; amending Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787), which relate to the city's policemen and firemen retirement fund and certain limitations of benefits and the time requirements therefor and restrictions of reemployment, so as to broaden certain benefits; and removing all restrictions of reemployment in state or local government after retirement, except by the City of Gadsden.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 361, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. deGraffenried, Parsons, and Keener:

S. 362. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

Committee on Health and Welfare.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 363. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 363, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 364. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 364, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Gullledge, Cook, and Vacca:

S. 365. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158 so as to require that all city clerks be appointed as deputy registrars.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 366. To amend section 7-2-316 of the Code of Alabama 1975 so as to require that for any disclaimer of an implied warranty under said section to be enforceable, the language used in connection therewith must be conspicuously printed.

Committee on Judiciary.

By Mr. Pearson (with notice and proof):

S. 367. To amend Title 12, Chapter 19, Section 93, of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables; to repeal conflicting statutes or provisions thereof; to provide for an effective date.

Committee on Finance and Taxation.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 367, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Callahan and St. John:

S. 368. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that no further retainage will be withheld after 50 percent completion of construction of school buildings.

Committee on Business and Labor Relations.

By Mr. Callahan:

S. 369. To amend Code of Alabama, 1975, § 5-9-40 through § 5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that general, local or local laws of general application to the contrary notwithstanding any bank a party to a merger, conversion or consolidation may, regardless of the

county of location of the principal office of such bank, and, regardless of whether the bank surviving such merger, conversion or consolidation is a national bank or a state banking corporation, continue to maintain and operate all banking offices maintained and operated at the time of said merger, conversion or consolidation and with appropriate regulatory approval, establish additional banking offices in counties where banking offices are maintained at the time of the merger, conversion or consolidation to the extent permitted to banks having their principal or other banking office in such county, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Committee on Banking and Insurance.

By Mr. Miller:

S. 370. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It also requires commercial livestock market operators, dealers and slaughterers to record the brand of livestock received, bought, sold and slaughtered. It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Higginbotham, Goodwin, Bailey, Martin, and Weeks:

S. 371. To provide that in all civil actions in which plaintiff has the right to claim compensatory damages, plaintiff shall not be entitled to an award of punitive damages, but that the trier of fact may assess a punitive fine against such defendant upon a finding by the trier of fact that the defendant's wrongful conduct was malicious, gross, wanton, fraudulent, or oppressive; to provide that 65% of any such punitive fine assessed by the trier of fact shall be deposited in the General Fund of the State of Alabama, and such funds shall be used for the operation of the indigent defense system of the State of Alabama, and such other purposes as the Legislature shall provide; to provide that in all civil actions seeking money damages for personal injury, death, or property damage, a party or parties in whose favor judgment is entered is entitled to an order awarding litigation expenses, court costs, and a reasonable attorney's fee against a party asserting frivolous claims or defenses; to provide a definition of frivolous claims and defenses; to provide that upon a finding by substantial evidence that a party asserted frivolous claims or defenses, the Court may award litigation expenses, court costs and a reasonable attorney's fee; to provide standards for awarding litigation expenses and attorney's fees; to provide that a party or parties against whom an award is entered under this Act shall have a claim of indemnity against the attorney asserting such frivolous claims or defenses; to provide a defense to a claim of indemnity; to provide that a party shall not be subject to an award under this Act for asserting new claims or defenses; to amend Code of Alabama, § 6-3-2 (1975), to provide that venue of all personal actions, other than as specifically provided, must lie in the county in which the act or omission complained of may have been done or may have occurred; to provide that venue may be waived with the agreement of all parties and of the Court in which the action is brought; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Messrs. Higginbotham, Goodwin, Bailey, Martin, Weeks, and Britnell:

S. 372. To provide that in all civil actions in the courts of the State of Alabama, the sufficiency of any claim or defense shall be tested by a minimum standard of proof of substantial evidence; to provide that substantial evidence shall be minimum standard of proof to determine whether an issue of fact shall be submitted to a jury; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions or directed verdict, motions for judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Messrs. Higginbotham, Goodwin, Bailey, Martin, Weeks, and Britnell:

S. 373. To provide that in all civil actions for personal injury, death, or property damage, evidence relating to reimbursement of plaintiff for expenses allegedly incurred as a result of the acts or omissions complained of, shall be admissible; to provide that evidence of the cost of obtaining such reimbursement shall be admissible; to provide that certain investigatory information compiled by liability insurers shall not be discoverable without the express written consent of the party who is the subject of the investigation; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Mr. Parsons:

S. 374. To amend the title and Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (1977 Acts p. 805), as amended relating to a pay increase for sworn law enforcement officers so as to include court bailiffs.

Committee on Finance and Taxation.

By Mr. Taylor (with notice and proof):

S. 375. Relating to Wilcox County; to authorize and regulate the power of the county commission to construct and maintain roads or driveways leading from a public road to the residence of a landowner.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 375, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Taylor (with notice and proof):

S. 376. To amend Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), providing an additional expense allowance for the chairman and members of the Wilcox County Commission so as to provide further for such expense allowance.

Committee on Local Legislation No. 1.

JOURNAL OF THE SENATE, 1979
9th Day

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 376, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Taylor (with notice and proof):

S. 377. Relating to Wilcox County; to further authorize and regulate the use of county equipment.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 377, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison

S. 378. To amend Section 5-19-11 of the Code of Alabama 1975 so as to clarify the remedy provided therein for violation of the Alabama Consumer Credit Act of 1971, or "Mini-Code: (Acts 1971, p. 3290)," relative to dismissal of any action on any debt for collection at the cost of the plaintiff.

Committee on Judiciary.

MOTION IN WRITING

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 231, on page 12 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 231, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Securities Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 15th day of May 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. James D. Pruett, Gadsden, Alabama, as a member of the Alabama Securities Commission for the term expiring October 31, 1981.

Respectfully,
FOB JAMES,
Governor.

Done this 15th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of North Alabama.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 15th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Billy Don Anderson, Sheffield, Alabama, as a member of the Board of Trustees of the University of North Alabama for a term expiring September 9, 1987.

Respectfully,
FOB JAMES,
Governor.

Done this 15th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of North Alabama.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 15th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, R. Lonnie Flippo, Florence, Alabama, as a member of the Board of Trustees of the University of North Alabama for a term expiring September 9, 1983.

Respectfully,

FOB JAMES,
Governor.

Done this 15th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Educational Television Commission.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 15th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Helen Shores Lee, Birmingham, Alabama, as a member of the Alabama Educational Television Commission for the term expiring June 25, 1987.

Respectfully,
FOB JAMES,
Governor.

Done this 15th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 28. ENCOURAGING THE U.S. CONGRESS TO DESIGNATE THE AMERICAN MARIGOLD AS THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES.

Also:

S. J. R. 37. INVITING THE GOVERNOR TO ADDRESS THE LEGISLATURE.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dixon, Turnham, Lewis, Cobb, Dial, Bennett, Hammett, Daniels, Ward, Grouby and McKee:

H. 104. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' examinations or comparable standardized test determined by State Board of Education and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 104. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 171. Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 171

We, the committee of conferees appointed to reconcile the differences between the two houses concerning the Bill, H. B. 171, have met and considered the matter referred and beg leave to report as follows:

Substitute House Bill 171 is attached.

LYNN GREER,
TOM COBURN,
NELSON STARKEY, JR.,
Conferees on the part of the House.
BOBBY DENTON,
LARRY KEENER,
CHARLIE BRITNELL,
Conferees on the part of the House.

SUBSTITUTE FOR H. B. 171

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of County License Commissioner in Lauderdale County, Alabama. No later than 30 days from the effective date of this Act, the legislative delegation representing Lauderdale County, by a majority vote thereof, shall appoint a County License Commissioner who shall serve for a term expiring on the first Monday after the second Tuesday in January 1981. In the event such office should become vacant during such time, such vacancy shall be filled in like manner as the original appointment. Said commissioner shall then run for election in the primary and general elections in 1980 and every six years thereafter. The salary of said commissioner shall be \$19,500 per annum, payable out of the county general fund in the same manner as other county employees are paid. He shall receive, in addition thereto, an expense allowance in the amount of eighteen hundred dollars (\$1,800.00) per year, payable from the county general fund.

Section 2. The County License Commissioner shall have an official seal of office and shall maintain his permanent office in the court house of Lauderdale County. Before entering upon the duties of his office, the Commissioner of License shall take the oath prescribed by the Constitution of the state of Alabama, and shall execute bond in such penal sum as prescribed by the county governing body, giving as surety thereon a bond issued by a bonding company authorized to do business in this state. The bond shall be conditioned as other official bonds, shall be approved by the governing body of the county, and shall be filed and recorded in the office of the judge of probate of Lauderdale County. A certified copy of such bond shall be furnished by said judge to the state comptroller. All premiums on said bond shall be paid from the general fund of the county.

Section 3. The county governing body shall furnish suitable quarters for the County License Commissioner, and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery, forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county governing body shall also provide such clerks, deputies and other assistants for said commissioner as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The commissioner shall have authority to elect, employ and discipline at will, such clerks, and other assistants, and to fix

their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county governing body. The compensation of the clerks, deputies and assistants shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 4. The County License Commissioner shall appoint a chief clerk who shall, in the absence of the commissioner, exercise the same powers and authority herein granted to the commissioner. Such chief clerk before he enters upon his duties, must take the oath directed to be taken by the constitutional officers of the state and give bond payable to the commissioner in such sum as he may prescribe conditioned upon the faithful performance of his duty. The surety on such bond shall be a bond issued by a bonding company authorized to do business in this state. Such bond shall be approved by the commissioner, filed and recorded in the office of the judge of probate. The premiums on this bond shall be paid out of the general fund of the county.

Section 5. The County License Commissioner shall perform all duties relative to the assessment and collection of taxes on motor vehicles in such county, which have heretofore been performed by the tax assessor and tax collector. Said commissioner shall also issue all motor vehicle license tags and driver's licenses, collect for and issue all other licenses for exercising any right or privilege for which a license is now or hereafter may be required by law to be paid to the state of Alabama or the county except marriage licenses, and shall perform all the duties required by the general law of judges of probate relative to notations on license stubs of the transfer of ownership of motor vehicles, and the replacement of lost or mutilated license tags and driver's licenses, and the notation of change of location of business on privilege licenses and stubs. The tax assessor and the tax collector of Lauderdale County are hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles, and the judge of probate is hereby relieved of all duties and responsibilities relative to issuance of motor vehicle licenses, driver's licenses and privilege licenses and all other licenses except marriage licenses.

Section 6. Before any person, firm or corporation shall engage in or carry on any business or other activity in the county for which a license is required by law, a license for such activity must be purchased from said commissioner and he shall be entitled to charge a fee of 50¢ for the issuance of such license. All costs, fees and penalties which shall have accrued or for which such person, firm or corporation shall have become liable in any proceeding commenced for the collection of same shall be paid before any such license is eligible for renewal. Said commissioner shall issue the license countersigned by him in the form and on the blank furnished to him by the state department of finance which shall set forth and specify the name of the person, firm or the corporation applying therefor, the business or activity which it proposes to carry on thereunder, the address where it proposes to carry on the same, the time for which it is issued, and if the license is for a peddler, it shall state whether he proposes to travel on foot, on horseback or on wagon or on motor vehicle. Such license shall not be transferable except as otherwise provided by law, nor shall it entitle the holder thereof to carry on any other business or do any other act other than that named therein at any other location than that specified; provided, however, that should it become necessary to move any business from one location to another location in said county, and such business is to continue in the same kind and character and by the same person or firm as that carried on at the former location, then, another license shall not be required for the same licensed year.

Section 7. In all cases where the amount to be paid for a license to be paid depends upon the amount of capital invested or the value of goods or stock, or the amount of sales or receipts, or any other fact or condition, it shall be the duty of the person applying for such license to render to said commissioner a sworn statement of the amount of the capital invested, the value of the stock, the amount of sales or receipts, and such other information as may be required by said commissioner to determine the character of the license and the amount to be paid for the same.

Section 8. The County License Commissioner shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, and of all monies received, licenses issued by him, and make report thereof to the state comptroller at the same time and in the same manner that the judges of probate are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that judges of probate are required by law to account for such.

Section 9. Except as hereinafter provided, the County License Commissioner shall be entitled to charge and collect the same fees that are prescribed in the general law for like service when performed by the tax assessor, tax collector, judge of probate or the license inspector. For the performance of duties relative to the recordings of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said commissioner shall charge and collect a fee of \$1.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 10. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the County License Commissioner until the ad valorem tax on such vehicle shall have been paid to the county for the preceding year as evidenced by receipt from the said commissioner. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama, shall first return such motor vehicle for ad valorem taxation to said commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act.

Section 11. Before any vehicle can be assessed, the County License Commissioner shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said commissioner shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle, the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said commissioner shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tax number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and

new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly basis as follows:

1. Motor vehicles brought into the state or sold from stock after the first day of October, but before the first day of January next following, shall be subject to taxation the same as if held or owned in the state on the first day of October.

2. Motor vehicles brought into the state or sold from stock after the first day of December, and before the first day of April next following, shall be subject to taxation for three quarters of the tax year.

3. Motor vehicles brought into the state or sold from stock after the last day of March, and before the first day of July next following, shall be subject to tax for one half of the tax year therefor.

4. Motor vehicles brought into the state or sold from stock after the last day of June, but before the first day of October next following, shall be subject to tax for one fourth of the tax year.

The County License Commissioner, in addition to assessing and collecting the ad valorem tax due the state and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in such county and he shall report and pay over the money collected for such cities at the same time and in the same manner as state and county licenses are reported and paid over by him. Said commissioner shall receive and deposit in the county general fund, a commission of 5% for collecting such taxes and shall deduct said commission from the amount collected before paying the city treasury. Said commissioner shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the state, county and city have been paid for the preceding tax year.

Section 12. After the 30th day of September, 1980, motor vehicles shall not be included in any assessment made by any person, firm or corporation under the provisions of the Code of Alabama 1975, and any such motor vehicle shall not be considered as escape property by reason of failure to include the same in any tax return as of the first day of October, 1980, or any subsequent year. All motor vehicles shall be assessed and the taxes thereon shall be collected solely as herein provided.

Section 13. The state comptroller, the state department of revenue and the state department of finance are hereby required to furnish to the County License Commissioner, all books, records and blanks now or hereafter required by law to be furnished to judges of probate, tax assessors and tax collectors in connection with the performance of their duties in the issuance of automobile license plates and the assessment and collection of ad valorem tax thereon, and in connection with the performance of their duties relative to the issuance of privilege licenses.

Section 14. The County License Commissioner shall take applications for driver's licenses or renewals thereof, temporary driver permits and other motor vehicle operator's licenses and give receipts for the fees paid therefor. All such applications shall be handled in every respect as prescribed in the Code of Alabama 1975. The same fees and charges may be collected and remitted in the manner therein prescribed except that issuance fees therein prescribed for the judges of probate or other issuing officials shall be collected for the use of the county and shall be paid into the general fund in the county treasury at the same time that other monies due the county under this Act are paid.

Section 15. The County License Commissioner shall take application for replacement of motor vehicle license tags which have been lost, destroyed or mutilated, and forward such application to the state department of revenue in the same manner that judges of probate or license inspectors are directed to do under the Code of Alabama 1975. For services in this connection, he shall charge and collect the same fees prescribed in the Code of Alabama. Such fees, less the amount required by said Code, sent with the application to the state department of revenue, shall be the property of the county and shall be paid into the general fund of the county at the same time that other monies due the county pursuant to this Act are paid.

Section 16. On or after the first day of September each year, the County License Commissioner shall mail a form requesting the information hereinafter specified to all owners of motor vehicles listed as such in the motor vehicle license records who have requested that such form be mailed to them. Such form shall be provided by the state department of revenue and shall contain spaces for the name and address of the owner of the motor vehicle, the make, the model and serial number of the vehicle and such other information with respect thereto as the department of revenue may prescribe. The form shall also contain a space for the correct amount of the ad valorem taxes (state, county, school district and municipal), the amount of the motor vehicle license due thereon, the issuance fee and the mailing fee provided for herein; it shall also contain a space for the owner to fill in his present address if different from that shown in the application form and a space for his signature. The form shall be filled in by said department with the name and address of the owner, the description of the motor vehicle, the license tax and fees to become due on October first as shown on the license registration and transfer records, and the amount of ad valorem tax due on said motor vehicle for the preceding tax year. Said commissioner shall then cause the application form so filed to be mailed to the owner of the motor vehicle at his address shown thereon, or to the address which said owner requests that the application form be mailed to. The owner of the motor vehicle, if he is still the owner of the motor vehicle, and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, shall sign the application form, indicating thereon any change of address and return the same by mail with his remittance for ad valorem taxes, license taxes and fees as shown thereon to the commissioner. Money orders and checks for the payment of such taxes shall be made payable to the County License Commissioner. Upon receipt of the signed application form and remittance for the amount properly due for ad valorem tax and fees, the County License Commissioner shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application form is returned to said commissioner unsigned or with less than the correct amount of the taxes and fees, such form shall be returned to the owner for correction or for signature. A return of such application or remittance shall not be construed as a time extension or remittance shall not be construed as a time extension for such payment.

Section 17. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the County License Commissioner, on or before November 10 and said commissioner of license shall mail such tag on or before November 14. Said commissioner shall charge and collect a fee not to exceed \$1.50 for each motor vehicle tag issued by mail, in addition to all other fees prescribed by law. Such additional fees shall be paid by the owner of the motor vehicle with his mailed request for license tags and such fees collected by said commissioner shall be paid into

the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided, shall be paid from the general fund of the county upon warrants signed by said commissioner and approved by the county governing body. The procedure authorized by this Act for the payment of ad valorem tax and motor vehicle license tax and the issuance of license tags shall be an optional alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive a tag in person without the payment of an additional fee.

Section 18. Every purchaser of a motor vehicle shall, within 10 days after transfer of title to him, file such transfer with the office of the County License Commissioner. Failure to do so shall result in a penalty fine of \$1.00. This penalty shall be remitted by the collecting authority to the county general fund.

Section 19. After the passage of this Act, any and all duties now or which may hereafter be required by law for judges of probate with reference to the registration, sale and distribution of tags for motor vehicles, the issuance of motor vehicle driver's licenses, and temporary instruction permits and the transfer of ownership of motor vehicles, shall be performed by the County License Commissioner and said commissioner shall be entitled to collect all fees, commissions, charges, penalties and allowances heretofore provided by law for such judges to collect for performing such duties. All fees, commissions, charges, penalties and allowances collected by said commissioner in connection with the performance of such duties shall be distributed as provided by law. All records in the custody of the judge of probate relating to the duties herein imposed upon said commissioner shall, upon the effective date of this Act, be delivered to the office of the County License Commissioner.

Section 20. The office of license inspector for Lauderdale County is hereby abolished. Thereupon, the County License Commissioner shall become the ex officio license inspector of the county. He shall perform all the duties required by law of the license inspector. Said commissioner and such other assistants as are duly authorized by him, shall have the same powers and authority as license inspectors have under the general law. For performing the duties of license inspector required by this Act, said commissioner shall be entitled to charge and collect the same fees, costs, penalties and commissions as license inspectors have heretofore been authorized by law to charge and collect. All such monies collected by said commissioner shall be paid into the general fund of the county.

Section 21. The County License Commissioner is hereby authorized to charge \$1.00 per page or fraction of a page, to be paid into the county general fund, for copying any document or instrument which is on record in his office and if such copy is to be certified, he shall charge an additional 50¢ for certifying the same.

Section 22. The County License Commissioner shall keep a pay book or ledger showing the amount of money collected each day for each service performed and such book shall be open at all times to inspection by the county governing body. On or before the tenth day of each month, said commissioner shall furnish the county governing body a full report of all monies collected and the disposition thereof.

Section 23. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 24. All laws or parts of laws which conflict with this Act are repealed.

Section 25. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Denton, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 171, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	St. John
Bailey	Gulledge	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Clemon	Harrison	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Little	Proctor	White
Glass	Martin		

—25

Nays:

—0

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (C) (with notice and proof):

H. 246. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Chilton County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

By Rep. Adams (H) (with notice and proof):

H. 297. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Cherokee County, Alabama; to authorize the governing body of said county to expend public funds under its control thereof; to provide for taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill, having complied with the provisions of Senate Rule 14, has been placed on the Consent Calendar for today, to-wit:

S. 29. To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

MOTIONS IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 75, on page 9 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 75, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 50, on page 24 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 50, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Pearson offered the following Senate Resolutions, to-wit:

S. R. 44. COMMENDING THE CALHOUN SCHOOL'S TRACK TEAMS FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 45. COMMENDING LISA ELAINE LANE FOR SUPERIOR ATHLETIC ACHIEVEMENT.

Which was adopted.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 88, on page 6 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 88, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

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The appointment of Mr. David Edward Harbison to the Alabama Real Estate Commission.

On motion of Mr. McDonald, the appointment of Mr. David Edward Harbison was confirmed by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	McDonald	Taylor
Callahan	Harrison	Miller	Vacca
Clemon	Higginbotham	Mitchem	Weeks
Cook	Holmes	Parsons	White
deGraffenried	Keener	Proctor	—26

Nays:

—0

MOTION IN WRITING

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 148, on page 4 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 148, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING

The Bill:

S. 34. Relating to Madison County; to provide further for the compensation of the members of the county board of equalization by authorizing the Madison County commission to provide certain county salary supplements for such members.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Lemaster	Proctor
Bailey	Denton	Little	Robertson
Barron	Figures	McDonald	Smith
Britnell	Glass	Mitchem	Vacca
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		—25

Nays:

—0

The Bill:

S. 35. Relating to Madison County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Lemaster	Proctor	
Bailey	Denton	Little	Robertson	
Barron	Figures	McDonald	Smith	
Britnell	Glass	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

RESOLUTION

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. NAMING THE HEALTH, PHYSICAL EDUCATION AND RECREATION BUILDING AT SNEAD STATE JUNIOR COLLEGE THE "EMMETT PLUNKETT-LURLEEN B. WALLACE GYMNASIUM."

WHEREAS, the Health, Physical Education, and Recreation Building at Snead State Junior College was named for Lurleen Burns Wallace for her devoted service to the cause of education; and

WHEREAS, Coach Emmett Plunkett has devoted 28 years of service to Snead State Junior College; and

WHEREAS, Coach Plunkett is truly a legend in the hearts of faculty, students, and citizens of the area, for his outstanding service and positive influence on the lives of so many students; and

WHEREAS, it is the desire of all who know Coach Plunkett that the Health, Physical Education, and Recreation Building bear his name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Health, Physical Education, and Recreation Building at Snead State Junior College is hereby named and designated as the "Emmett Plunkett-Lurleen B. Wallace Gymnasium."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "Emmett Plunkett-Lurleen B. Wallace Gymnasium."

FURTHER RESOLVED, That copies of this resolution be sent to the President of Snead State Junior College and to Coach Emmett Plunkett.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 326. Relating to the City of Florence; amending Section 1 of Act No. 260, H. 316 of the 1978 Regular Session (Acts 1978, Vol. 1, p. 235), so as to make the municipal tax exemption on certain annexed farm property mandatory rather than discretionary with the city commission.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	St. John
Bailey	Hall	Miller	Smith
Barron	Harrison	Parsons	Taylor
Britnell	Holmes	Pearson	Vacca
Clemon	Keener	Proctor	Weeks
Cook	Little	Robertson	White
Denton	Martin		

—25

Nays: —0

The Bill:

S. 330. Relating to Baldwin County; providing for the compensation of the tax assessor and tax collector.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	St. John
Bailey	Harrison	Mitchem	Smith
Clemon	Holmes	Parsons	Taylor
Cook	Keener	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Little	Robertson	White
Glass	McDonald		

—25

Nays: —0

The Bill:

S. 332. Relating to Baldwin County; to further provide for the liability of the sheriff for the acts of his deputies.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	Smith
Barron	Gulledge	McDonald	Taylor
Britnell	Harrison	Miller	Vacca
Clemon	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

S. 339. To provide for supplemental expense allowances for the district attorney and district judge of the 36th Judicial Circuit.
was taken up.

On motion of Mr. McDonald, further consideration of the Bill, S. B. 339, was postponed temporarily.

The Bill:

S. 342. To provide for certain one time expense allowances for the tax assessor and tax collector of Tallapoosa County to defray the expenses of converting their offices from a fee basis to a salary basis system of compensation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	St. John	
Bailey	Glass	Mitchem	Smith	
Barron	Hall	Parsons	Taylor	
Britnell	Harrison	Pearson	Vacca	
Clemon	Holmes	Proctor	Weeks	
Cook	Keener	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 350. Relating to Pickens County; to regulate and provide for the payment of compensation of jurors; and to provide for retroactive effect.
was taken up.

On motion of Mr. Robertson, further consideration of the Bill, S. B. 350, was postponed temporarily.

The Bill:

S. 351. Relating to Pickens County; to regulate and provide for the payment of compensation of election officers; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson	
Bailey	Figures	Martin	Smith	
Barron	Glass	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Harrison	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 91. To amend the title and Section 1 of Act No. 481, H. 1136, Regular Session 1977 (Acts 1977, p. 628), entitled, "An Act Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date," so as to provide that the annual salary of the superintendent of education shall be set at a figure of not less than \$5,000 nor more than \$10,000 more than the highest paid principal in the county and giving the board of education discretion in granting expenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Robertson
Bailey	Glass	Little	St. John
Barron	Goodwin	Miller	Taylor
Britnell	Gulledge	Parsons	Vacca
Clemon	Harrison	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 382. Relating to Lauderdale County; providing further for the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Bailey	Glass	Martin	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Kirkland		

—25

Nays:

—0

The Bill:

H. 384. Relating to Choctaw County; further regulating the handling and expenditures of certain court fees accruing to Choctaw County; establishing the Choctaw County Law Library Fund and authorizing the expenditures of such funds; creating the Choctaw County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$1.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the circuit court, district court and small claims court of Choctaw County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson
Bailey	Figures	Martin	Smith
Barron	Glass	Miller	Taylor
Britnell	Goodwin	Mitchem	Vacca
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		

—25

Nays:

—0

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 19. To repeal Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects.

Mr. Pearson moved that further consideration of the Bill, H. B. 19, be indefinitely postponed.

Mr. White moved that the motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas 12; Nays 16.

Yeas:

Messrs.:	Goodwin	McDonald	Taylor
Bailey	Harrison	Mitchem	Weeks
Barron	Higginbotham	St. John	White
Callahan			

—12

Nays:

Messrs.:	Figures	Keener	Pearson
Britnell	Glass	Little	Proctor
Clemon	Hall	Miller	Robertson
deGraffenried	Holmes	Parsons	Vacca
Denton			

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MOTION TO RECESS LOST

At 2:05 P.M., Mr. White moved that the Senate take a recess for one hour, which motion was lost.

Yeas 14; Nays 16.

Yeas:

Messrs.:	Cook	Lemaster	Taylor
Bailey	Goodwin	McDonald	Weeks
Barron	Harrison	Mitchem	White
Callahan	Higginbotham	St. John	

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Nays:

Messrs.:	Figures	Keener	Pearson
Britnell	Glass	Little	Proctor
Clemon	Hall	Miller	Robertson
deGraffenried	Holmes	Parsons	Vacca
Denton			

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MOTION TO ADJOURN LOST

At 2:07 P.M., Mr. White then moved that the Senate adjourn until Thursday, May 17, 1979, at 10 o'clock A.M., which motion was lost.

Yeas 7; Nays 22.

Yeas:

Messrs.:	Cook	Harrison	Weeks
Barron	Goodwin	St. John	White

—7

Nays:

Messrs.:	Figures	Lemaster	Pearson
Bailey	Glass	Little	Proctor
Britnell	Hall	McDonald	Robertson
Clemon	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	

—22

FURTHER CONSIDERATION OF H. B. 19.

The Senate proceeded to further consideration of the Bill, H. B. 19. The question was on the motion of Mr. Pearson to indefinitely postpone.

MOTION IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 2, on page 7 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 2, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 171. Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the

duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

Also:

H. J. R. 95. MOURNING THE TRAGIC DEATH OF CLIFFORD T. HILL OF BESSEMER, ALABAMA.

Also:

H. J. R. 97. MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE IMMEDIATE ACTION TO RESOLVE THE UNCERTAINTIES SURROUNDING THE USE OF PUBLIC LANDS AND TO TAKE OTHER SUCH NECESSARY ACTION SO AS TO PROVIDE FOR DEVELOPMENT AND PROGRESS TO MEET THE CHANGING NEEDS OF OUR NATION.

Also:

H. J. R. 98. Commending Vietnam War Veterans and declaring the week of May 28 through June 3, 1979, as Vietnam Veterans Week.

Also:

H. J. R. 100. COMMENDING THE SCHOOL OF COMMUNITY AND ALLIED HEALTH AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

H. J. R. 103. DESIGNATING U.S. HIGHWAY 84 FROM THE EAST TO WEST STATE BOUNDARIES AS A BLUE STAR MEMORIAL HIGHWAY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 91. To amend the title and Section 1 of Act No. 481, H. 1136, Regular Session 1977 (Acts 1977, p. 628), entitled, "An Act Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date," so as to provide that the annual salary of the superintendent of education

shall be set at a figure of not less than \$5,000 nor more than \$10,000 more than the highest paid principal in the county and giving the board of education discretion in granting expenses.

Also:

H. 382. Relating to Lauderdale County; providing further for the compensation of election officials.

Also:

H. 384. Relating to Choctaw County; further regulating the handling and expenditures of certain court fees accruing to Choctaw County; establishing the Choctaw County Law Library Fund and authorizing the expenditures of such funds; creating the Choctaw County Law Library Board and providing for its appointment, powers and duties; providing for its appointment, powers and duties; providing for taxation of \$1.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the circuit court, district court and small claims court of Choctaw County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 362. To amend Sections 9-11-264 and 9-11-265, Code of Alabama 1975 relating to the trapping of fur-bearing animals, so as to provide that the provisions of such sections shall not apply to Lawrence County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Holmes	Parsons	Vacca
Clemon	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 29. To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Clemon	Higginbotham	Miller	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures			—28

Nays: —0

BILLS RE-REFERRED

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following Bill, H. B. 200, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 200, re-referred to the Standing Committee on Health and Welfare.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following Bill, S. B. 229, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 229, re-referred to the Standing Committee on Finance and Taxation.

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 236, on page 24 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 236, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 19

The Senate proceeded to further consideration of the Bill, H. B. 19. The question was on the motion of Mr. Pearson to indefinitely postpone, which motion was lost.

Yeas 15; Nays 17.

Yeas:

Messrs.:	Denton	Holmes	Pearson
Britnell	Figures	Keener	Proctor
Clemon	Glass	Little	Robertson
deGraffenried	Hall	Parsons	Vacca

—15

Nays:

Messrs.:	Goodwin	McDonald	Smith
Bailey	Harrison	Miller	Taylor
Barron	Higginbotham	Mitchem	Weeks
Callahan	Lemaster	St. John	White
Cook	Martin		

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Mr. Keener offered the following substitute for the Bill, H. B. 19, to-wit:

SUBSTITUTE FOR H. B. 19

A BILL
TO BE ENTITLED
AN ACT

To establish certain reporting requirements by the Prevailing Wage Commission to the Alabama Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The Prevailing Wage Commission of the State of Alabama shall, not later than, February 1, 1981, study and ascertain whether or not the existing prevailing wage laws which are codified as Sections 39-4-1 through 39-4-18, Code of Alabama 1975, are resulting in artificially high wages being paid by governmental agencies in connection with the construction of public buildings.

Section 2. No later than February 1, 1981, the said Prevailing Wage Commission shall submit its findings in written form to the Alabama Legislature, by the transmission of a written report to the Governor, the Lieutenant Governor, and the Speaker of the House of the state of Alabama, the Senate Committee on Business and Labor Relations, the House of Representatives Committee on Business and Labor Relations, the Senate Committee on Governmental Affairs and the House Committee on State Administration. Said report shall also contain recommendations by the Prevailing Wage Commission as to whether or not the prevailing wage law should be modified or repealed and shall contain any recommendations which the Prevailing Wage Commission may wish to make that would, in its opinion, improve the administration of the prevailing wage laws consistent with the intention which gave rise to the enactment of the prevailing wage laws.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. White moved that said substitute be laid on the table, which motion resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Harrison	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
Callahan	Lemaster	Mitchem	Weeks
Cook	Martin	St. John	White
Goodwin			

—16

Nays:

Messrs.:	Denton	Holmes	Pearson	
Bailey	Figures	Keener	Proctor	
Britnell	Glass	Little	Robertson	
Clemon	Hall	Parsons	Vacca	
deGraffenried				—16

The President and Presiding Officer of the Senate voted "Aye"; therefore, the motion to table prevailed.

Mr. Pearson offered the following Motion in Writing, to-wit:

I move to carry over H. B. 19 for 4 legislative days.

On motion of Mr. White, said motion was laid on the table.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Goodwin	Miller	Smith	
Bailey	Harrison	Mitchem	Taylor	
Barron	Higginbotham	Parsons	Weeks	
Callahan	Martin	St. John	White	
Cook	McDonald			—17

Nays:

Messrs.:	Denton	Holmes	Proctor	
Britnell	Figures	Keener	Robertson	
Clemon	Glass	Little	Vacca	
deGraffenried	Hall	Pearson		—14

Mr. Pearson then offered the following Motion in Writing, to-wit:

I move to carry over House Bill No. 19 for three legislative days as unfinished business.

Mr. St. John offered a substitute motion that further consideration of the Bill, H. B. 19, be postponed until the next Legislative Day as Unfinished Business.

On motion of Mr. St. John, his motion to postpone was laid on the table.

The question was then on the motion of Mr. Pearson that further consideration of the Bill, H. B. 19, be postponed three Legislative Days as Unfinished Business.

Mr. White moved that the motion to postpone be laid on the table, which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Bailey	Harrison	Miller	Taylor	
Barron	Higginbotham	Mitchem	Weeks	
Callahan	Martin	St. John	White	
Cook				—16

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Nays:

Messrs.:	Figures	Keener	Pearson
Britnell	Glass	Lemaster	Proctor
Clemon	Hall	Little	Robertson
deGraffenried	Holmes	Parsons	Vacca
Denton			

—16

The President and the Presiding Officer of the Senate voted "Nay"; therefore, the motion to table was lost.

The question was then on the motion of Mr. Pearson, which motion was lost.

Mr. Pearson then offered the following substitute for the Bill, H. B. 19, to-wit:

SUBSTITUTE FOR H. B. 19

A BILL
TO BE ENTITLED
AN ACT

To provide that unless the legislature in the Regular Session of 1980 acts to continue them, Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects, shall be automatically repealed.

Be It Enacted by the Legislature of Alabama:

Section 1. Unless the legislature in its 1980 Regular Session takes action to continue the provisions of Sections 39-4-1 through 39-4-18 of the Code of Alabama 1975, the provisions shall be automatically repealed effective sine die of the 1980 Regular Session of the Legislature.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Which was adopted.

Yeas 24; Nays 4.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Smith
Barron	Goodwin	McDonald	Taylor
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Pearson	White
Denton			

—24

Nays: Messrs.: Hall, Parsons, Proctor, Robertson. —4

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

JOURNAL OF THE SENATE, 1979
9th Day

H. 362. To amend Sections 9-11-264 and 9-11-265, Code of Alabama 1975 relating to the trapping of fur-bearing animals, so as to provide that the provisions of such sections shall not apply to Lawrence County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 38, on page 25 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 38, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 225, on page 23 of the 9th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 225, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 19

The Senate proceeded to further consideration of the Bill, H. B. 19, as amended by the substitute.

Mr. Little offered the following substitute for the Bill, H. B. 19, as amended, to-wit:

SENATE SUBSTITUTE FOR
HOUSE BILL 19, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To suspend temporarily Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 39-4-1 through 39-4-18, Code of Alabama 1975, are hereby suspended for a period of fifteen calendar months after the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. White, said substitute was laid on the table.

Mr. Robertson offered the following amendment to the Bill, H. B. 19, as amended, to-wit:

AMENDMENT TO H. B. 19, AS AMENDED

Amend House Bill No. 19, as amended, Page one, Line 21 and 30, by striking out "1980" after the word "of" and inserting "1982"

On motion of Mr. White, said amendment was laid on the table.

And said Bill, H. B. 19, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 8.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	McDonald	Taylor
Barron	Glass	Miller	Vacca
Britnell	Harrison	Mitchem	Weeks
Callahan	Higginbotham	Pearson	White
Cook	Kirkland	St. John	—22

Nays:

Messrs.:	Holmes	Little	Proctor
deGraffenried	Lemaster	Parsons	Robertson
Hall			—8

Mr. White moved that the Senate reconsider the vote by which the Bill, H. B. 19, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 47. RESOLVED BY THE SENATE that the following bill shall be the paramount and continuing order of business taking precedent over all other matters upon reaching bills on third reading for the ninth legislative day and for each day thereafter until disposed of:

Bill No.	Page	Description
S. B. 40	18	CA: Proposed New Constitution

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 40

Amend Senate Bill 40 as follows:

On page 2, Article I, strike Section 1.01 in its entirety and insert in lieu thereof the following:

Section 1.01. Equality and Rights of Men. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; among these are life, liberty, ownership of property, and the pursuit of happiness.

ADJOURNMENT

At 8:15 P.M., on motion of Mr. McDonald, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 40, the Senate adjourned until Thursday, May 17, 1979, at 10:05 A.M.

TENTH LEGISLATIVE DAY

THURSDAY, MAY 17, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Frank Alexander, Minister, South Highland Presbyterian Church, Birmingham, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Pearson	White

—31

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon, Glass, Goodwin, and Teague for today.

JOINT SESSION

At 10:10 A.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, the Honorable Fob James.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Pearson	White

—31

RESOLUTIONS

The Sunset Review Committee offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. PROVIDING FOR THE TERMINATION OF THE CIVIL DEFENSE ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Civil Defense Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Civil Defense Advisory Council, the committee voted on February 8, 1979, to recommend termination of the Civil Defense Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Civil Defense Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Taylor
Bailey	Hall	McDonald	Vacca
Barron	Harrison	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little	Smith	

—18

Nays:

—0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. PROVIDING FOR THE TERMINATION OF THE MILITARY ADVISORY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Military Advisory Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Military Advisory Board, the committee voted on February 8, 1979, to recommend termination of the Military Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Military Advisory Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Bailey	Harrison	McDonald	Smith
Barron	Higginbotham	Mitchem	Taylor
Britnell	Holmes	Pearson	Weeks
Callahan	Keener	Proctor	White
Denton			—20

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. PROVIDING FOR THE TERMINATION OF THE BOARD OF CORRECTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Corrections; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Corrections, the committee voted on April 16, 1979, to recommend termination of the Board of Corrections; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Corrections, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Hall	Mitchem	Smith	
Barron	Harrison	Parsons	Taylor	
Callahan	Higginbotham	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton				—20

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 51. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REGIONAL PLANNING BOARDS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Regional Planning Boards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Regional Planning Boards, the committee voted on February 8, 1979, to recommend the continued existence of the Regional Planning Boards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Regional Planning Boards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith	
Callahan	Harrison	Martin	Taylor	
Cook	Higginbotham	McDonald	Vacca	
deGraffenried	Holmes	Mitchem	White	
Denton	Lemaster	St. John		—18

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 52. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CIVIL DEFENSE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Civil Defense; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Civil Defense, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Civil Defense; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Civil Defense, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Figures	Keener	St. John
Britnell	Gulledge	Lemaster	Smith
Callahan	Hall	Little	Taylor
deGraffenried	Higginbotham	Martin	Vacca
Denton	Holmes	Proctor	Weeks

—19

Nays:

—0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 53. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SAFETY COORDINATING COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Safety Coordinating Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Safety Coordinating Committee, the committee voted on February 8, 1979, to recommend the continued existence of the State Safety Coordinating Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Safety Coordinating Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	St. John
Britnell	Gulledge	Lemaster	Smith
Callahan	Hall	Little	Taylor
Denton	Higginbotham	McDonald	Vacca

—15

Nays:

—0

(The President Pro-Tempore of the Senate declared a quorum present but not voting.)

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Criminal Justice Information Center Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Criminal Justice Information Center Commission, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama Criminal Justice Information Center Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Criminal Justice Information Center Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Parsons	
Britnell	Figures	Lemaster	Smith	
Callahan	Gulledge	Martin	Taylor	
Cook	Hall	McDonald	White	
deGraffenried	Higginbotham	Mitchem		—18

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 55. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SUPERVISORY BOARD OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Supervisory Board of the Alabama Law Enforcement Planning Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Supervisory Board of the Alabama Law Enforcement Planning Agency, the committee voted on February 8, 1979, to recommend the continued existence of the Supervisory Board of the Alabama Law Enforcement Planning Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Supervisory Board of the Alabama Law Enforcement Planning Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Harrison	Robertson	Taylor
Britnell	Higginbotham	St. John	Weeks
Denton	Holmes	Smith	White
Hall	Little		

—13

Nays: —0

(The President Pro-Tempore of the Senate declared a quorum present but not voting.)

RECESS

At 12 o'clock noon, on motion of Mr. McDonald, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTIONS

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Law Enforcement Planning Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Law Enforcement Planning Agency, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama Law Enforcement Planning Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Enforcement Planning Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland	St. John		—22

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 57. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Public Safety; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Public Safety, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Public Safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Public Safety, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Miller	Taylor	
Callahan	Harrison	Pearson	Vacca	
Cook	Higginbotham	Proctor	Weeks	
deGraffenried	Holmes	Robertson	White	
Denton	Keener			—25

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 58. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMORY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Armory Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Armory Commission, the committee voted on February 8, 1979, to recommend the continued existence of the Armory Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Armory Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Robertson
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Callahan	Harrison	Miller	Taylor
Cook	Higginbotham	Pearson	Vacca
deGraffenried	Holmes	Proctor	White
Denton	Keener		

—25

Nays:

—0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 59. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE GUARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Guard; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Guard, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama State Guard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Guard, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Keener	Pearson	Vacca
deGraffenried	Kirkland	Proctor	White
Denton			

—24

Nays:

—0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 60. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MILITARY DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Military Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Military Department, the committee voted on February 8, 1979, to recommend the continued existence of the State Military Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Military Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Gulledge	Martin	St. John	
Barron	Harrison	Miller	Smith	
Callahan	Higginbotham	Mitchem	Taylor	
Cook	Keener	Pearson	Vacca	
deGraffenried	Kirkland	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 61. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PARDONS AND PAROLES BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Pardons and Paroles Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Pardons and Paroles Board, the committee voted on February 8, 1979, to recommend the continued existence of the Pardons and Paroles Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Pardons and Paroles Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—25

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 62. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Toxicology and Criminal Investigation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Toxicology and Criminal Investigation, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Toxicology and Criminal Investigation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Toxicology and Criminal Investigation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	Miller	Taylor
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Pearson	White
Denton	Keener	Proctor	

—26

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 63. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF VETERANS' AFFAIRS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Veterans' Affairs; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Veterans' Affairs, the committee voted on February 8, 1979, to recommend the continued existence of the Board of Veterans' Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Veterans' Affairs, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Barron	Hall	Little	St. John	
Britnell	Harrison	Martin	Smith	
Callahan	Higginbotham	Miller	Taylor	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	White	
Denton	Kirkland			—25

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 64. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF VETERANS' AFFAIRS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Veterans' Affairs; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Veterans' Affairs, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Veterans' Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Veterans' Affairs, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Proctor	Vacca
deGraffenried	Keener	Robertson	White
Denton	Lemaster		

—21

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 65. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Conservation and Natural Resources; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Conservation and Natural Resources, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Conservation and Natural Resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Conservation and Natural Resources, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Holmes	Miller	Taylor
Callahan	Keener	Mitchem	Vacca
Cook	Kirkland	Parsons	White
deGraffenried	Lemaster	Robertson	

—22

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 66. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY BOARD OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon

its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Board of the Department of Conservation and Natural Resources; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Board of the Department of Conservation and Natural Resources, the committee voted on February 8, 1979, to recommend the continued existence of the Advisory Board of the Department of Conservation and Natural Resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Board of the Department of Conservation and Natural Resources, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson	
Bailey	Hall	Little	St. John	
Barron	Harrison	Martin	Smith	
Callahan	Higginbotham	Miller	Taylor	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Keener	Pearson	White	
Figures	Kirkland	Proctor		—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 19. To provide that unless the legislature in the Regular Session of 1980 acts to continue them, Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects, shall be automatically repealed.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The Sunset Review Committee offered the following Senate Joint Resolution, to-wit:

S. J. R. 67. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE DOCKS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Docks; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Docks, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama State Docks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Docks, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Proctor
Barron	Harrison	Little	St. John
Callahan	Higginbotham	Martin	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	White
Gulledge			

—24

Nays: —0

The Sunset Review Committee then offered the following Senate Joint Resolution, to-wit:

S. J. R. 68. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SURFACE MINING RECLAMATION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Surface Mining Reclamation Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Surface Mining Reclamation Commission, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama Surface Mining Reclamation Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Surface Mining Reclamation Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Callahan	Harrison	Martin	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	White

—23

Nays: —0

MOTIONS TO RECONSIDER

Mr. White moved that the Senate reconsider the vote by which the Resolution, S. J. R. 48, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Mr. White moved that the Senate reconsider the vote by which the Resolution, S. J. R. 49, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Barron	Harrison	McDonald	St. John
Callahan	Holmes	Miller	Smith
deGraffenried	Keener	Parsons	Taylor
Figures	Kirkland	Pearson	Vacca
Gulledge	Little	Proctor	White

—23

Nays:

—0

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 379. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

Committee on Governmental Affairs.

By Mr. McDonald:

S. 380. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Committee on Judiciary.

By Messrs. Mitchem and St. John:

S. 381. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge.

Committee on Finance and Taxation.

By Mr. Cook:

S. 382. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The

Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Little:

S. 383. To provide for a credit against the state income tax for certain expenses for household and dependent care services.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 384. To make appropriations for the support and maintenance of Tuskegee Institute.

Committee on Finance and Taxation.

By Messrs. Bailey, Gullett, Taylor, Proctor, Parsons, Harrison, Vacca, St. John, Higginbotham, and Britnell:

S. 385. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority, to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and certain municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and

require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds and the income therefrom and interest thereon along with all property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Holmes:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

Committee on Governmental Affairs.

By Mr. Gullledge:

S. 387. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

Committee on Banking and Insurance.

By Mr. Denton:

S. 388. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Colbert County Board of Education for capital outlay purposes only for the construction and renovation of Colbert Heights School in Colbert County.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 19. To provide that unless the legislature in the Regular Session of 1980 acts to continue them, Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects, shall be automatically repealed.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley, McCorquodale, Ford, McMillan, Venable, and Reed:

H. J. R. 117. CONGRATULATING WSFA-TV FOR A JOB WELL DONE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 117, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Waggoner and Turnham:

H. J. R. 114. HONORING COACH JOEL EAVES, FORMER AUBURN UNIVERSITY HEAD BASKETBALL COACH AND THREE-TIME S.E.C. COACH OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 114, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 204. To amend Section 40-9-12, Code of Alabama 1975, so as to grant certain taxing and licensing exemptions to the East Alabama Services for the Elderly, Inc.

By Mr. Little:

S. 205. Relating to taxation; exempting the Auburn Heritage Association, Incorporated, a non-profit corporation, from the levy of all state, county, municipal and local sales tax and use tax.

By Mr. Little:

S. 208. Relating to taxation, exempting the American Diabetes Association, Alabama Affiliate, Inc., a non-profit corporation organized and existing under the laws of the State of Alabama, and its departments and agencies, from the levy of state, county and municipal sales and use taxes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (With Substitute):

S. 214. To provide that the corporate chapter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the demonstration of the single tax principal shall be revoked.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 4. To exempt the Our Lady of Angels Monastery, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Callahan:

S. 130. To exempt the Allen Memorial House, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Callahan:

S. 131. To exempt the Little Sisters of the Poor Home for the Aged, Inc. from the payment of all state, county and municipal sales and use taxes.

By Mr. Callahan:

S. 133. To exempt the Particular Council of Mobile Society of St. Vincent de Paul from the payment of all state, county and municipal sales and use taxes.

By Mr. Higginbotham:

S. 93. To amend Section 348 of Act No. 194, H. 324, 1935 Regular Session (Acts of 1935, p. 256; now appearing in Section 170 of Article 4, Chapter 17, Title 40, Code of Alabama 1975), entitled "Definitions"; so as to broaden the application of the tax.

By Mr. Martin:

S. 28. To exempt the Garden Club of Alabama, Inc., a non-profit organization, from the payment of all state, county and municipal sales and use taxes.

By Messrs. Cook, Vacca, and Parsons:

S. 53. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

By Messrs. deGraffenried and Robertson:

S. 65. To exempt the Junior League of Tuscaloosa, Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

By Mr. Goodwin:

S. 116. To exempt certain specified charitable and community service organizations and corporations from all state, municipal and county sales, use and ad valorem taxes.

By Mr. Harrison:

S. 216. To amend Section 40-23-5 of the Code of Alabama 1975 relating to certain organizations being exempt from payment of state, county and municipal sales and use taxes so as to exempt the Montgomery Southern League, Dixie Youth Baseball, Inc. from payment of such sales and use taxes.

By Mr. Harrison:

S. 241. To exempt the Hi-Pine Water and Fire Protection Authority in Crenshaw County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

By Mr. Pearson:

S. 251. Relating to taxation; exempting the Alabama Goodwill Industries, a non-profit corporation, at all of its locations in the State of Alabama from the levy of all state, county, municipal and local sales tax and use tax.

By Messrs. Bailey and Miller:

S. 261. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county, and municipal sales and use taxes.

By Mr. Holmes:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

By Mr. Holmes:

S. 190. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Cleburne County Board of Education for capital outlay purposes only for the construction and renovation of high schools in Cleburne County.

By Mr. Teague:

S. 197. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

By Messrs. Mitchem & Kirkland:

S. 219. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Mr. Pearson:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

By Mr. Pearson:

S. 289. To authorize the Director of the Finance Department with the Governor's approval in certain instances to transfer certain assets of the state insurance fund to the general fund.

By Reps. Pegues, Waggoner and Lewis:

H. 85. To amend Section 41-16-100 of the Code of Alabama 1975.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Carter (With Amendment):

H. 188. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 56. To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin (With Substitute):

S. 179. Relating to electors; to authorize incorporated municipalities to enter into contracts with boards of registrars to conduct a program of identification of registered electors residing within the corporate limits of the municipality; to require that each boards of registrars conduct an identification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Gullledge, Figures, and Martin:

S. 212. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

By Mr. Smith:

S. 173. To amend Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement.

By Mr. St. John:

S. 227. To amend Section 11-50-313, Code of Alabama 1975, which pertains to the Board of Directors of certain water, sewer, gas and electric systems, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

By Messrs. Smith and McDonald:

S. 267. To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

By Messrs. Cook, Pearson, Parsons, Proctor, Denton, Smith, and Holmes:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Mitchem, and Miller (With Amendments):

S. 178. To amend Section 9-3-5, Code of Alabama 1975 so as to authorize the State Forester to hire forest law enforcement officers; to prescribe the duties of such officers.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

By Mr. Miller:

S. 262. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend §8-15-1 which defines a "public warehouse"; amend §8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and §8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend §8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller (With Amendment):

S. 370. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It also requires commercial livestock market operators, dealers and slaughterers to record the brand of livestock received, bought, sold and slaughtered. It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 303. To provide for a live shrimp bait dealers license; to regulate the taking of shrimp for live bait; to regulate the taking of bait shrimp or of shrimp for noncommercial purposes by persons other than dealers; and to prescribe the penalty for persons violating the provisions of this Act.

By Mr. Kirkland:

S. 304. To amend the Code of Alabama 1975, § 9-12-42, so as to require that one-half of all oyster shells processed in this state will be replanted on the public reefs, beds or bottoms of the waters of this state.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White, Proctor, Teague, Weeks, Harrison, Denton, Higginbotham, Vacca, Hall, Gullledge, Glass, Taylor, Parsons, Keener, and Holmes:

S. 284. To create a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical aspects of driver licensing; to outline the functions and responsibilities of the board; provide for the confidentiality of related reports and immunity from legal actions.

By Rep. Carothers, et al:

H. 200. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons (With Substitute):

S. 158. To require group health insurance policies and contracts to provide benefits for the care and treatment of alcoholism in licensed or certified programs.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan (With Substitute):

S. 136. To authorize the department of revenue to design, issue and regulate the use of certain "temporary motor vehicle license tags"; to establish the selling price and issuance fee for such tags and to prescribe penalty for persons unlawfully using such tags.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 334. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

By Mr. deGraffenried:

S. 335. To name the new wing of the State Oil and Gas Board Building, which is an addition to the present State Oil and Gas Board Building, as "The Philip E. LaMoreaux Center for Environmental Geology and Hydrology Studies".

By Mr. deGraffenried:

S. 336. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

By Mr. deGraffenried:

S. 337. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

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By Mr. deGraffenried:

S. 338. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (with notice and proof):

S. 39. Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other than publicly owned cemeteries; and repealing conflicting statutes.

By Mr. Taylor (with notice and proof):

S. 375. Relating to Wilcox County; to authorize and regulate the power of the county commission to construct and maintain roads or drive-ways leading from a public road to the residence of a landowner.

By Mr. Taylor (with notice and proof):

S. 376. To amend Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), providing an additional expense allowance for the chairman and members of the Wilcox County Commission so as to provide further for such expense allowance.

By Mr. Taylor (with notice and proof):

S. 377. Relating to Wilcox County; to further authorize and regulate the use of county equipment.

By Rep. Reed (with notice and proof):

H. 372. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Tuskegee, in Macon County.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Seibels, et al (with notice and proof) (With Amendment):

H. 187. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof):

S. 61. To Amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population

of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

By Mr. Cook (with notice and proof):

S. 70. Relating to Jefferson County; to prohibit the false personation of a peace officer and to provide a penalty therefor.

By Mr. Cook (with notice and proof):

S. 71. To repeal Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county."

By Mr. Vacca:

S. 184. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Parsons (with notice and proof):

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

By Mr. Hall (with notice and proof):

S. 252. Relating to the pension system established by Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 for the employees and officers of Jefferson County, Alabama (Ala. Acts, 1965, pp. 717-739), and relating especially to the payments Section 9 of said Act 497, as amended, requires the members thereof and the County to make to the pension fund established for the operation of the pension system; to authorize the County Commission of Jefferson County, Alabama, to adopt rules providing that any member of the pension system may revoke any limitation which the member has elected to impose on the amount of his monthly salary which shall be considered for pension purposes, and providing that upon any member's revoking any such limitation his entire monthly salary shall be considered for pension purposes; to provide that such rules may provide for such revocation to apply retroactively; to provide that such rules shall prescribe the payments a member and the County shall make to the pension fund to effect such revocation; to provide that such rules may make such revocation apply retroactively; to provide that such rules shall state the extent to which a member's benefit from the pension system shall be increased as a consequence of such member's electing to become subject to the total salary proviso; and to provide that the County Commission shall be authorized to amend or repeal any such rule.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 305. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

BILL RETURNED TO REGULAR CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for the next Legislative Day, to-wit:

By Messrs. Robertson, Clemon, Hall, Harrison, Vacca, Britnell, McDonald, Denton, White, Teague, Lemaster, Glass, deGraffenried, Goodwin, Mitchem, Taylor, Martin, Callahan, Gullede, Holmes, Higginbotham, Barron, Cook, Kirkland, Proctor, Little, Bailey, Weeks, Parsons, and Miller:

S. 243. To provide that any person may use deadly force, including the use of firearms, to repel anyone unlawfully in, entering or attempting to enter the person's home or place of abode; to provide that no criminal case or civil cause of action shall be brought against any person exercising his rights under the provision of this act.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 73. COMMEMORATING THE TENTH ANNIVERSARY OF THE APOLLO II MOON LANDING.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 46. NAMING THE HEALTH, PHYSICAL EDUCATION AND RECREATION BUILDING AT SNEAD STATE JUNIOR COLLEGE THE "EMMETT PLUNKETT-LURLEEN B. WALLACE GYMNASIUM."

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 69. COMMENDING MR. REX THOMAS ON RECENT HONORS RECEIVED.

WHEREAS, on May 10, 1979, the fifth annual Hector Awards ceremony was held at Troy State University; and

WHEREAS, since 1974, the Hall School of Journalism at Troy State University has presented Hector Awards for outstanding performance by Alabamians in Journalism; and

WHEREAS, this year, Mr. Rex Thomas of the Associated Press was presented a special award for his "lifetime of dedicated, unselfish service to the profession"; and

WHEREAS, as a token of deep affection and esteem, the University also presented Mr. Thomas with a certificate naming him an honorary president of TSU; and

WHEREAS, our friend, Rex Thomas, is indeed deserving of the high honors bestowed upon him by both Troy State University and by the Hall School of Journalism; throughout his long and distinguished career as a journalist, he has exhibited extraordinary ability, perception and clear understanding of a subject which has enabled him to excel outstandingly in factual reporting and to fairly and objectively inform the reading public; now therefore,

BE IT RESOLVED BY BOTH HOUSES OF THE LEGISLATURE OF ALABAMA, That we most highly commend Mr. Rex Thomas on his 1979 Hector Award and on his designation as honorary president of TSU. We further direct that Mr. Thomas receive a copy of this resolution that he may know our extreme pleasure and of our concurrence with his selection by the University and the Hall School of Journalism.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 70. CONDEMNING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION BY NOT ALLOWING THE PETER VASCHENKO AND VLADIMIR SLEPAH FAMILIES TO EMIGRATE FROM THE U.S.S.R.

WHEREAS, the Universal Declaration of Human Rights was signed by the U.S.S.R., which declaration guaranteed to all people the right of free emigration; and

WHEREAS, the U.S.S.R. refuses to abide by the terms of both the Declaration and the Accords in that the U.S.S.R. among other things refuses to permit free emigration and refuses to recognize the rights of its citizens to leave the country permanently; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we condemn the U.S.S.R. for its refusal to grant exit visas and emigration to the Peter Vaschenko and Vladimir Slepah families.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President of the United States, the Secretary of State of the United States, the Secretary of the Central Committee of the Communist Party of the U.S.S.R., and the U.S.S.R. Ambassador to the United States.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 115. REQUIRING ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER LEARNING TO FURNISH A LIST OF ALL EMPLOYEES REQUIRED TO OPERATE A MOTOR VEHICLE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all state agencies, departments, or bureaus and all state institutions of higher learning shall forthwith furnish to the clerk of the house a list of all employees required to drive a motor vehicle in the performance of their official duties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 115, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 120. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CIVIL DEFENSE.

Also:

By Sunset Committee:

H. J. R. 121. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REGIONAL PLANNING BOARDS.

Also:

By Sunset Committee:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SAFETY COORDINATING COMMITTEE.

Also:

By Sunset Committee:

H. J. R. 123. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

Also:

By Sunset Committee:

H. J. R. 124. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SUPERVISORY BOARD OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Also:

By Sunset Committee:

H. J. R. 125. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Also:

By Sunset Committee:

H. J. R. 126. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF PUBLIC SAFETY.

Also:

By Sunset Committee

H. J. R. 127. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMORY COMMISSION.

Also:

By Sunset Committee:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE GUARD.

Also:

By Sunset Committee:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MILITARY DEPARTMENT.

Also:

By Sunset Committee:

H. J. R. 130. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PARDONS AND PAROLES BOARD.

Also:

By Sunset Committee:

H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION.

Also:

By Sunset Committee:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF VETERANS' AFFAIRS.

Also:

By Sunset Committee:

H. J. R. 133. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF VETERANS' AFFAIRS.

Also:

By Sunset Committee:

H. J. R. 134. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY BOARD OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

By Sunset Committee:

H. J. R. 135. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

By Sunset Committee:

H. J. R. 136. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE DOCKS.

Also:

By Sunset Committee:

H. J. R. 137. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SURFACE MINING RECLAMATION COMMISSION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 120, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 121, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 122, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 123, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 124, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

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Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 125, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 126, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 127, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 128, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 129, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 130, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

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Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 131, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 132, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 133, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 134, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 135, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 136, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

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Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 137, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Callahan	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White

—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues:

H. 52. To bring the laws of Alabama in conformity with P. L. 93-641 and Federal regulations by amending Section 22-21-260 relating to definitions, Section 22-21-265 relating to certificate of need required for new institutional health services, Section 22-21-274 relating to the review procedures, and Section 22-21-275 relating to application review for certificates of need. To repeal Section 22-21-262 which exempts certain acquisitions from certificate of need and Section 22-21-273 relating to the Health Facilities Review Council.

Also:

By Rep. Adams (H) and Whatley:

H. 65. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as

a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Also:

By Rep. Letson and Whatley:

H. 71. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to \$10.00.

Also:

By Rep. Whatley:

H. 118. To amend Title 2, Section 2-21-24 of the Code of Alabama of 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

Also:

By Rep. Harper:

H. 69. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 52. To the Committee on Health and Welfare.

H. B.'s 65, 71, and 118. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 69. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cosby, Pegues, Edwards, Moore, Harvey, Adams (H), Drinkard, Smith (C), and Waggoner:

H. 61. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

By Reps. Cates, Gafford and Edwards:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

Also:

By Rep. Venable:

H. 88. To prescribe that any cause of action against a municipality, which has corporate limits extending into more than one county, shall be brought against the municipal governing body in the county in which the cause of action arose.

Also:

By Rep. Manley:

H. 226. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

Also:

By Reps. McMillan, McCorquodale, Biddle and Owens:

H. 235. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Also:

By Reps. McMillan, McCorquodale, Biddle, Owens and Smith (C):

H. 233. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

Also:

By Reps. Manley, Waggoner, Gafford, Hines, Cates, Barton and Smith (C):

H. 292. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

Also:

By Rep. Manley:

H. 291. To amend Section 34-3-3; Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 61. To the Committee on Governmental Affairs.

H. B. 267. To the Committee on Banking and Insurance.

H. B.'s 88, 226, 292, and 291. To the Committee on Judiciary.

H. B.'s 235 and 233. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Edwards, Cates and Gafford:

H. 262. Relating to regulation of certain transactions with regard to obtaining control of a state bank or of any entity controlling a state bank.

Also:

By Rep. Venable:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

Also:

By Reps. Edwards, Cates and Gafford:

H. 263. To amend Section 5-1-9, Code of Alabama 1975, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

Also:

By Reps. Cates, Gafford and Edwards:

H. 264. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

Also:

By Reps. Cates, Gafford and Edwards:

H. 265. An act providing that (a) financial records of a customer of a bank organized under Alabama law or a national bank with its principal place of business in Alabama shall be disclosed only in response to a subpoena, summons, warrant or court order, and (b) if the bank is furnished a certificate that the same has been served upon the customer at least ten days prior to the date on which the records are to be disclosed unless the court for good cause orders otherwise; to provide that no bank, director, officer, employee or agent thereof shall be civilly or criminally liable for disclosure of financial records pursuant to an instrument served upon it which on its face appears to have been issued upon lawful authority and who receives the certificate provided in this act; to provide that prior to making disclosure the bank may require that the person making the request reimburse the bank for the reasonable costs and expenses incurred or to be incurred by it in complying with the request; to provide that if any provision of the act is invalid, such invalidity shall not affect any other provision; to repeal all laws in conflict; and to provide an effective date.

Also:

By Reps. Cates, Gafford and Edwards:

H. 266. To amend Section 5-3-1, Code of Alabama 1975, relating to state banks, so as further to regulate such banks by requiring that certain annual audits be made and be available on bank premises to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 262, 263, 264, 265, and 266. To the Committee on Banking and Insurance.

H. B. 3. To the Committee on Commerce, Transportation, and Utilities.

REPORT FILED

The annual report of the Legislative Committee on Public Accounts, as required by Section 41-5-20, Code of Alabama 1975, was filed with the Secretary.

BILLS ON THIRD READING

The Bill:

H. 97. To amend Section 5 of Act No. 367, S. 473, 1978 Regular Session (Acts of 1978, p. 310) relating to the compensation of the county superintendent of education and county board of education of Limestone County; so as to make the provisions of the Act retroactive to November 1, 1978.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	McDonald	St. John	
Barron	Harrison	Mitchem	Smith	
Callahan	Holmes	Parsons	Taylor	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	White	
Figures	Lemaster			—25

<i>Nays:</i>				—0
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The Bill:

H. 185. Proposing an amendment to the Constitution of Alabama to authorize the abolition and creation of certain offices in Lauderdale County. was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Bailey	Harrison	Miller	Smith	
Barron	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Vacca	
Cook	Lemaster	Pearson	Weeks	
Denton	Little	Proctor	White	
Gulledge	Martin			—25

<i>Nays:</i>				—0
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The Bill:

H. 249. Relating to Colbert County; providing further for the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	St. John	
Bailey	Keener	Mitchem	Smith	
Britnell	Kirkland	Parsons	Taylor	
Cook	Lemaster	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Gulledge	Martin	Robertson	White	
Hall	McDonald			—25

<i>Nays:</i>				—0
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The Bill:

S. 339. To provide for supplemental expense allowances for the district attorney and district judge of the 36th Judicial Circuit.

was taken up.

Mr. Martin offered the following substitute for the Bill, S. B. 339, to-wit:

SUBSTITUTE FOR S. B. 339

A BILL
TO BE ENTITLED
AN ACT

To provide for supplemental expense allowances for the district attorney and district judge of the 36th judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the 36th judicial circuit shall be entitled to a supplemental allowance, paid from the county treasury of the county composing such judicial circuit, in a sum equal to the supplemental allowance paid from county funds to the district attorney of the eighth judicial circuit.

Section 2. The district judge of the 36th judicial circuit shall be entitled to a supplemental expense allowance, paid from the county treasury of the county composing such judicial circuit, in a sum equal to the supplemental allowance paid from county funds to the district judge of the eighth judicial circuit.

Section 3. Such supplemental allowances shall be in lieu of any other supplemental allowances paid by the county, and shall be paid in the same manner that supplemental allowances for those offices in the eighth judicial circuit are paid.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Gulledge	Martin	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

Nays: —0

And said Bill, S. B. 339, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Gulledge	Martin	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

S. 350. Relating to Pickens County; to regulate and provide for the payment of compensation of jurors; and to provide for retroactive effect.

was taken up.

Mr. Robertson offered the following substitute for the Bill, S. B. 350, to-wit:

SUBSTITUTE FOR S. B. 350

A BILL TO BE ENTITLED AN ACT

Relating to Pickens County; to regulate and provide for the payment of expense allowance of jurors; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Each person summoned for duty on any grand or petit jury in Pickens County shall be paid a total expense allowance of twenty dollars per day for each day's service, plus mileage as provided by general law. Such expense allowance and mileage accrued prior to January 17, 1977 is payable out of the county treasury.

Section 2. This act shall have retroactive effect, and all actions taken and payments made pursuant thereto on and before that date are ratified and confirmed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Bailey	Hall	McDonald	Smith
Barron	Holmes	Miller	Taylor
Callahan	Keener	Mitchem	Vacca
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Pearson	White
Figures	Little		

—25

Nays:

—0

And said Bill, S. B. 350, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
10th Day

337

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson	
Bailey	Hall	McDonald	Smith	
Barron	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Pearson	White	
Figures	Little			—25

Nays: —0

The Bill:

H. 246. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Chilton County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Gulledge	Martin	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 297. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Cherokee County, Alabama; to authorize the governing body of said county to expend public funds under its control thereof; to provide for taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John	
Bailey	Figures	McDonald	Smith	
Barron	Gulledge	Miller	Taylor	
Britnell	Hall	Parsons	Vacca	
Callahan	Harrison	Pearson	Weeks	
Cook	Keener	Proctor	White	
deGraffenried	Little			—25

Nays: —0

MOTION IN WRITING

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 23, on page 6 of the 10th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 23, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

The question was on the amendment No. 1 reported by the Standing Committee on Governmental Affairs, which said amendment is set out in the Journal of the Senate for the Ninth Legislative Day.

Mr. Smith moved that said amendment, as well as the 63 amendments to follow, be laid on the table, in order that he may offer a substitute which incorporates said amendments.

Mr. White called for a division of the question and requested that each amendment be considered separately.

SENSE OF THE SENATE

The President and Presiding Officer of the Senate called for the Sense of the Senate on the following question:

"Do you prefer to use the Committee amendments as the frame of reference for considering S. B. 40?"

Yeas 9; Nays 19.

Yeas:

Messrs.:	deGraffenried	Robertson	Taylor	
Barron	Harrison	St. John	White	
Cook	Little			—9

Nays:

Messrs.:	Gulledge	Lemaster	Parsons	
Bailey	Hall	Martin	Pearson	
Britnell	Higginbotham	McDonald	Proctor	
Denton	Holmes	Miller	Smith	
Figures	Keener	Mitchem	Vacca	—19

ADJOURNMENT

Mr. White moved that the Senate adjourn until Tuesday, May 22, 1979, at 10 o'clock A.M.

Mr. Mitchem offered a substitute motion that the Senate adjourn until Tuesday, May 22, 1979, at 11 o'clock A.M., which motion was adopted, and at 5:05 P.M., pending further consideration of S. B. 40, the Senate adjourned until Tuesday, May 22, 1979, at 11 o'clock A.M.

ELEVENTH LEGISLATIVE DAY

TUESDAY, MAY 22, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Elder Franklin McNeil, Pastor, Rice Temple AOH Church of God, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Teague for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener:

S. 390. To amend Section 12-15-10, Code of Alabama, 1975, to provide for payment of attorney fees in indigent juvenile cases by the State of Alabama.

Committee on Finance and Taxation.

By Messrs. Parsons, Robertson, Denton, Hall, Lemaster, Britnell, Kirkland, Proctor, Mitchem, Harrison, Callahan, Higginbotham, Holmes, deGraffenried, White, Vacca, Taylor, Little, Weeks, Bailey, Figures, Smith, Miller, Keener and St. John:

S. 391. To provide for a title for this act, to provide for a legislative finding of public interest, to provide for preference for American products in purchases by the State of Alabama and subdivisions and agencies thereof, to define terms used in this act, to provide conditions under which domestic products of the United States and its territories and possessions shall be given preference, to provide for liquidated damages for breach of contract to use domestic products, to provide for a sworn statement of place of origin of products subject to this act, to provide for the severability of the provisions of this act, to provide for repeal of conflicting laws and to provide for an effective date.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Holmes:

S. 392. To provide twenty-five dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$5,040,000 from the Alabama Special Educational Trust Fund; to provide for the system of payment.

Committee on Finance and Taxation.

By Mr. Little:

S. 393. To amend Sections 7-1 and 7-7 (a)(6) of Title 38 of the Code of Alabama, 1975, and Act No. 174, Acts of Alabama, Third Ex. Session, 1971, to explicitly provide that the Department of Pensions and Security shall not regulate religious instruction in child care facilities.

Committee on Education.

By Mr. Little:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Committee on Finance and Taxation.

By Mr. Little:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Committee on Judiciary.

By Messrs. Little and Higginbotham:

S. 396. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the state treasury to the Chambers County Board of Education and the Board of Education for the City of Lanett, Alabama for capital outlay purposes only for the construction and renovation of schools in Chambers County.

Committee on Finance and Taxation.

By Mr. St. John:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

Committee on Health and Welfare.

By Mr. Vacca:

S. 398. Relating to Jefferson County; providing for the powers, duties, functions, qualifications and compensation of an assistant probate judge for said county.

Committee on Local Legislation No. 2.

By Mr. St. John:

S. 399. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

Committee on Finance and Taxation.

By Messrs. White and Goodwin:

S. 400. To provide for fulfilling certain continuing education requirements adopted, promulgated and approved by the Alabama real estate commission as a condition prerequisite to the renewal of licenses of real estate brokers and salesmen; to provide for certain exemptions and exceptions; and to provide the Alabama real estate commission with the power and authority to implement the provisions of this Act.

Committee on Education.

By Mr. Mitchem:

S. 401. To amend Section 8-17-91, Code of Alabama 1975, relating to the disposition of permit fees, inspection fees and penalties paid to the commissioner of agriculture and industries pursuant to Sections 8-17-85 and 8-17-87, Code of Alabama 1975, so as to provide that ten percent (10%) of the amount collected thereunder each month, or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

Committee on Governmental Affairs.

By Messrs. Callahan, Glass and Gulledge:

S. 403. To appropriate money from the state general fund for the construction of a building to house the offices, laboratories and morgue of the Southwest Alabama area regional facilities of the Alabama department of forensic sciences.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 404. Relating to public health; restricting smoking in certain places and areas and prescribing penalties for violation of this act.

Committee on Health and Welfare.

By Messrs. Goodwin, Martin, Denton, Figures, Cook, and Vacca:

S. 405. To amend Section 17-6-13 of the Alabama Code of 1975 to provide for a continuous system of compensation for election officials.

Committee on Governmental Affairs.

By Messrs. Clemon and Figures:

S. 406. To amend section 17-4-160 of the Code of Alabama 1975 so as to provide for a voter outreach program for identifying qualified citizens who are not registered voters and to register such persons.

Committee on Governmental Affairs.

By Mr. St. John:

S. 407. To repeal Sections 601, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, and 670 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

Committee on Judiciary.

By Mr. Britnell:

S. 408. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Committee on Agriculture, Conservation,
and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 140. PROVIDING FOR THE TERMINATION OF THE BOARD OF CORRECTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Corrections; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Corrections, the committee voted on April 16, 1979, to recommend termination of the Board of Corrections; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Corrections, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 140, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Britnell	Hall	Miller	Smith
Cook	Higginbotham	Mitchem	Taylor
Denton	Holmes	Parsons	Vacca
Figures	Keener	Proctor	White
Goodwin	Kirkland		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 138. PROVIDING FOR THE TERMINATION OF THE MILITARY ADVISORY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Military Advisory Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Military Advisory Board, the committee voted on February 8, 1979, to recommend termination of the Military Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Military Advisory Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 138, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Britnell	Hall	Miller	Smith	
Cook	Higginbotham	Mitchem	Taylor	
Denton	Holmes	Parsons	Vacca	
Figures	Keener	Proctor	White	
Goodwin	Kirkland			—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 139. PROVIDING FOR THE TERMINATION OF THE CIVIL DEFENSE ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Civil Defense Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Civil Defense Advisory Council, the committee voted on February 8, 1979, to recommend termination of the Civil Defense Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Civil Defense Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, The Rules were suspended and the Resolution, H. J. R. 139, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Britnell	Hall	Miller	Smith
Cook	Higginbotham	Mitchem	Taylor
Denton	Holmes	Parsons	Vacca
Figures	Keener	Proctor	White
Goodwin	Kirkland		

—21

Nays: —0

BILLS ON THIRD READING

The Bill:

S. 375. Relating to Wilcox County; to authorize and regulate the power of the county commission to construct and maintain roads or drive-ways leading from a public road to the resident of a landowner.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor
Barron	Goodwin	Martin	St. John
Britnell	Gulledge	McDonald	Taylor
Clemon	Hall	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White
Figures	Kirkland		

—25

Nays: —0

The Bill:

S. 376. To amend Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), providing an additional expense allowance for the chairman and members of the Wilcox County Commission so as to provide further for such expense allowance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cook	Goodwin	Keener
Barron	Denton	Gulledge	Kirkland
Britnell	Figures	Hall	Little
Clemon	Glass	Holmes	Martin

McDonald	Parsons	Taylor	Weeks	
Miller	Proctor	Vacca	White	
Mitchem	St. John			—25
Nays:				—0

The Bill:

S. 39. Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other than publicly owned cemeteries; and repealing conflicting statutes.

was taken up.

Mr. McDonald offered the following substitute for the Bill, S. B. 39, to-wit:

SUBSTITUTE FOR S. B. 39

A BILL TO BE ENTITLED AN ACT

Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other than cemeteries owned by private corporations licensed to operate a perpetual care cemetery in Madison County, and repealing conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County commissioners are authorized, provided the service is offered equally and upon payment of reasonable costs (except in the case of indigents), to cause the opening of graves for interment in other than cemeteries owned by private corporations licensed to operate a perpetual care cemetery in Madison County.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	McDonald	Vacca	
Clemon	Hall	Parsons	Weeks	
Cook	Harrison	Pearson	White	
Denton	Holmes			—25

Nays:

—0

And said Bill, S. B. 39, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	McDonald	Vacca	
Clemon	Hall	Parsons	Weeks	
Cook	Harrison	Pearson	White	
Denton	Holmes			—25

Nays: —0

The Bill:

S. 377. Relating to Wilcox County; to further authorize and regulate the use of county equipment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Goodwin	Martin	St. John	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 372. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Tuskegee, in Macon County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson	
Bailey	Figures	Lemaster	Proctor	
Barron	Glass	Little	St. John	
Britnell	Goodwin	Martin	Smith	
Callahan	Hall	Miller	Taylor	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener			—25

Nays: —0

The Bill:

H. 187. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 187, to-wit:

COMMITTEE AMENDMENT TO H. B. 187

Amend House Bill 187 by adding at the end of Section 9 the following:
"not go into effect, or become effective, until the date specified in Subsection (a) Section 2, of this Act.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

And said Bill, H. B. 187, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 61. To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Hall
Bailey	Clemon	Figures	Harrison
Barron	Cook	Glass	Holmes

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Keener	Miller	Proctor	Vacca	
Kirkland	Mitchem	Smith	Weeks	
Lemaster	Parsons	Taylor	White	
Little	Pearson			—25

Nays: —0

The Bill:

S. 70. Relating to Jefferson County; to prohibit the false personation of a peace officer and to provide a penalty therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 71. To repeal Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 184. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 252. Relating to the pension system established by Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 for the employees and officers of Jefferson County, Alabama (Ala. Acts, 1965, pp. 717-739), and relating especially to the payments Section 9 of said Act 497, as amended, requires the members thereof and the County to make to the pension fund established for the operation of the pension system; to authorize the County Commission of Jefferson County, Alabama, to adopt rules providing that any member of the pension system may revoke any limitation which the member has elected to impose on the amount of his monthly salary which shall be considered for pension purposes, and providing that upon any member's revoking any such limitation his entire monthly salary shall be considered for pension purposes; to provide that such rules may provide for such revocation to apply retroactively; to provide that such rules shall prescribe the payments a member and the County shall make to the pension fund to effect such revocation; to provide that such rules may make such revocation apply retroactively; to provide that such rules shall state the extent to which a member's benefit from the pension system shall be increased as a consequence of such member's electing to become subject to the total salary proviso; and to provide that the County Commission shall be authorized to amend or repeal any such rule.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Clemon	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

Nays: —0

MOTION IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 190, on page 33 of the 11th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 190, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Blake (with notice and proof):

H. 47. Relating to St. Clair County; to amend Section 16 of Act No. 1728, H. 2522 (Acts of Alabama, 1971, p. 2889), relating to the construction, repair and maintenance of roads in St. Clair County and to the duties of the county commission, so as to further provide for the travel expenses of the chairman and the members of the county commission.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 363. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

By Messrs. Taylor and Goodwin (with notice and proof):

S. 364. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Parsons and Kirkland:

S. 62. To provide for the repeal of Section 32-1-2, Code of Alabama, 1975, otherwise known as the "Guest Statute."

By Mr. Little:

S. 90. To amend the Code of Alabama 1975, Section 43-3-1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

By Mr. St. John:

S. 156. To amend Section 12-17-140, Code of Alabama 1975, so as to provide that any clerk or register of the circuit court who has met the requirements of sub-paragraph (1) of said Section 12-17-140, may become a supernumerary clerk or register regardless of the age of such clerk or register at the time of becoming permanently unable to carry out the duties of the office on a full-time basis.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, Proctor, Mitchem, Martin, Robertson, Teague, Smith, Miller, Britnell, Holmes, Little, Taylor, and Kirkland (With Amendment):

S. 236. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require verbatim minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void; to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, deGraffenried, Proctor, and Harrison:

S. 268. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,500.00 in cases in the trial courts, \$1,500.00 in cases appealed to the Supreme Court or Court of Criminal Appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; and further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the Fair Trial Tax Fund.

By Messrs. St. John and Robertson:

S. 314. To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

By Messrs. Figures, Parsons, Miller and Robertson:

S. 357. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gafford (With Substitute):

H. 6. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Clark:

H. 74. To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships from maintaining any action, suit, or proceeding until after registration; establishing an effective date.

RECESS

At 11:40 A.M., on motion of Mr. St. John, the Senate took a recess until 11:50 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 115. REQUIRING ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER LEARNING TO FURNISH A LIST OF ALL EMPLOYEES REQUIRED TO OPERATE A MOTOR VEHICLE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

The question was on Amendment No. 1 reported by the Standing Committee on Governmental Affairs, which said amendment is set out in the Journal of the Senate for the Ninth Legislative Day.

Mr. White repeated his call for the division of the question.

By unanimous consent, Mr. Smith withdrew his motion to table Amendment No. 1 and subsequent amendments.

Mr. Smith requested and received unanimous consent that the Senate consider the amendments article by article rather than numerically.

RECESS

At 12:25 P.M., on motion of Mr. St. John, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 187. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 71. HONORING THE ALABAMA JAYCEETTES ON THE TWENTY-FIFTH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, the Alabama Jaycee Auxiliary was organized, with eleven clubs, on July 10, 1954, in Sylacauga, Alabama, for the purpose of working side by side with the Jaycees of Alabama to develop the leadership ability of Alabama's young women; and

WHEREAS, since the auxiliary's inception, the membership of the Alabama Jayceettes has given unselfishly of time, work and money to such organizations as the National Foundation of the March of Dimes, the cause of Mental Health and Mental Retardation, the Cancer Society, Camp Partlow, Alabama Sheriff's Boys Ranch, Muscular Dystrophy and numerous other worthwhile charities and causes; and

WHEREAS, the current members of the Alabama Jayceettes and the thousands of women who have belonged to the Jayceettes for the past twenty-five years are deserving indeed of high commendation for meritorious contributions and service to the State of Alabama, as are the twenty-five ladies who have served as State President of the Alabama Jayceettes:

Mrs. Curtis Liles, Mrs. Frances Eastes, Mrs. Jean Jones, Mrs. Robert Lakebrink, Mrs. Kelda Ward, Mrs. Geneva Wright, Mrs. Betty Mayhall, Mrs. Carl Mardis, Mrs. Hoyt Durham, Mrs. La Rue Sanderson, Mrs. Richard Muncher, Mrs. Ruby Patterson, Mrs. Marretta McMurry May, Mrs. Pat Etchison, Mrs. Shirley White, Mrs. Jane Cardwell, Mrs. Mary Reynolds, Mrs. Jill Mitchem, Mrs. Linda Byrne Vincent, Mrs. Elaina Burch, Mrs. Barbara Porter, Mrs. Jackie Broach, Mrs. Brooka Stokes, Mrs. Judy Gibbs and Mrs. Mary Moore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and most highly commend the Alabama Jayceettes on the 25th Anniversary of its founding and voice this body's deep appreciation for the many outstanding contributions this organization has made to the State of Alabama and all its citizens.

BE IT FURTHER RESOLVED, That, in token of appreciation and in praise, a copy of this resolution be provided for the Alabama Jayceettes with copies also for all those who have served as State President of this Organization, since its founding in 1954.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 187. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

Also:

H. J. R. 73. COMMEMORATING THE TENTH ANNIVERSARY OF THE APOLLO II MOON LANDING.

Also:

H. J. R. 114. HONORING COACH JOEL EAVES, FORMER AUBURN UNIVERSITY HEAD BASKETBALL COACH AND THREE-TIME S.E.C. COACH OF THE YEAR.

Also:

H. J. R. 117. CONGRATULATING WSFA-TV FOR A JOB WELL DONE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 97. To amend Section 5 of Act No. 367, S. 473, 1978 Regular Session (Acts of 1978, p. 310) relating to the compensation of the county superintendent of education and county board of education of Limestone County; so as to make the provisions of the Act retroactive to November 1, 1978.

Also:

H. 246. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Chilton County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Also:

H. 249. Relating to Colbert County; providing further for the compensation of election officials.

Also:

H. 297. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Cherokee County, Alabama; to authorize the governing body of said county to expend public funds under its control thereof; to provide for taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto.

Also:

H. 372. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Tuskegee, in Macon County.

Also:

H. 185. Proposing an amendment to the Constitution of Alabama to authorize the abolition and creation of certain offices in Lauderdale County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 120. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CIVIL DEFENCE.

Also:

H. J. R. 121. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REGIONAL PLANNING BOARDS.

Also:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SAFETY COORDINATING COMMITTEE.

Also:

H. J. R. 123. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

Also:

H. J. R. 124. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SUPERVISORY BOARD OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Also:

H. J. R. 125. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Also:

H. J. R. 126. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF PUBLIC SAFETY.

Also:

H. J. R. 127. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMORY COMMISSION.

Also:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE GUARD.

Also:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MILITARY DEPARTMENT.

Also:

H. J. R. 130. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PARDONS AND PAROLES BOARD.

Also:

H. J. R. 131. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION.

Also:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF VETERANS' AFFAIRS.

Also:

H. J. R. 133. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF VETERANS' AFFAIRS.

Also:

H. J. R. 134. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY BOARD OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

H. J. R. 135. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

Also:

H. J. R. 136. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE DOCKS.

Also:

H. J. R. 137. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SURFACE MINING RECLAMATION COMMISSION.

Also:

H. J. R. 138. PROVIDING FOR THE TERMINATION OF THE MILITARY ADVISORY BOARD.

Also:

H. J. R. 139. PROVIDING FOR THE TERMINATION OF THE CIVIL DEFENSE ADVISORY COUNCIL.

Also:

H. J. R. 140. PROVIDING FOR THE TERMINATION OF THE BOARD OF CORRECTIONS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 115. REQUIRING ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER LEARNING TO FURNISH A LIST OF ALL EMPLOYEES REQUIRED TO OPERATE A MOTOR VEHICLE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 71. HONORING THE ALABAMA JAYCEETTES ON THE TWENTY-FIFTH ANNIVERSARY OF ITS FOUNDING.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to consideration of the Bill, S. B. 40. The question was on Amendment No. 1 reported by the Standing Committee on Governmental Affairs.

And on motion of Mr. Little, said amendment was laid on the table.

Yeas 14; Nays 13.

Yeas:

Messrs.:
deGraffenried
Figures
Hall

Higginbotham
Holmes
Keener
Little

McDonald
Miller
Parsons
Pearson

Proctor
Smith
Vacca

Nays:

Messrs.:	Denton	Lemaster	St. John	
Barron	Glass	Martin	White	
Britnell	Harrison	Mitchem		—13
Callahan	Kirkland			
Cook				

The Standing Committee on Governmental Affairs then reported the following amendment to the bill, S. B. 40, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 40

Amend Senate Bill 40, Section 1.03, page 2, line 31, by deleting the period after the word laws and adding the following language:

on account of race, creed, color, national origin, or religion.

Mr. Barron offered the following substitute for Amendment No. 2 to the Bill, S. B. 40, to-wit:

SUBSTITUTE FOR COMMITTEE
AMENDMENT NO. 2 TO S. B. 40

Amend Senate Bill 40, Section 1.03, page 2, line 31, by deleting the period after the word "laws" and adding the following language:

"on account of race, creed, color, national origin, or religion. The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union, or labor organization."

Mr. Smith moved that the substitute amendment be laid on the table, which motion resulted in a tie vote.

Yeas 14; Nays 14.

Yeas

Messrs.:	Holmes	Mitchem	St. John	
deGraffenried	Keener	Parsons	Smith	
Denton	Little	Pearson	Weeks	
Figures	McDonald	Proctor		—14

Nays:

Messrs.:	Cook	Higginbotham	Taylor	
Bailey	Glass	Kirkland	Vacca	
Barron	Goodwin	Lemaster	White	
Callahan	Harrison	Martin		—14

The President and Presiding Officer of the Senate voted "Aye"; therefore, the motion to table prevailed.

Mr. Figures offered the following amendment to Committee Amendment No. 2, to-wit:

AMENDMENT TO COMMITTEE
AMENDMENT NO. 2 TO S. B. 40

Amend the amendment No. 2 to Senate Bill No. 40 Page 2 Line 31, by inserting after the word origin and before the word or, the word sex.

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On motion of Mr. White, said amendment was laid on the table.

Yeas 20; Nays 9.

Yeas:

Messrs.:	Denton	Harrison	Robertson
Bailey	Glass	Holmes	St. John
Barron	Goodwin	Kirkland	Taylor
Britnell	Gulledge	Lemaster	Weeks
Callahan	Hall	McDonald	White
Cook			

—20

Nays:

Messrs.	Higginbotham	Martin	Pearson
deGraffenried	Keener	Parsons	Smith
Figures	Little		

—9

On motion of Mr. Kirkland, further consideration of Committee Amendment No. 2 was postponed temporarily.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 40

Amend S. B. 40 as follows:

On page 3, Section 1.05(d), in line 25, after the word "of" insert the words: twelve persons in

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Pearson
Bailey	Goodwin	Kirkland	Smith
Barron	Gulledge	Lemaster	Taylor
Britnell	Hall	Little	Vacca
Cook	Harrison	Martin	Weeks
deGraffenried	Higginbotham	Miller	White
Denton	Holmes	Parsons	

—26

Nays: —0

POINT OF PERSONAL PRIVILEGE

Mr. Robertson stated that, if he had been present when the vote was taken on the motion to table the Barron substitute for Committee Amendment No. 2, he would have voted "Aye".

MOTION TO RECONSIDER

Mr. Vacca moved that the Senate reconsider the vote by which the Bill, S. B. 184 was passed, and further moved that the motion to reconsider be postponed temporarily, which motion was adopted, and the motion to reconsider was postponed temporarily.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended.

The Standing Committee on Governmental Affairs then offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 4 TO S. B. 40

Amend Senate Bill 40, page 4, lines 4 through 9, by deleting section 1.09 in its entirety.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	Martin	Robertson
Barron	Hall	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Pearson	White
Figures	Lemaster		

—29

Nays:

—0

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40, as amended, as follows:

On page 3, Section 1.06, on line 36 before the word "The" insert the following sentence:

In both civil and criminal cases, the qualifications and number of jurors shall be not less than twelve, and no verdict shall be less than unanimous.

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Robertson	White
Denton	Kirkland		

—25

Nays: Messrs.: Keener, Parsons.

—2

The Senate then proceeded to further consideration of Committee Amendment No. 2 to the Bill, S. B. 40, as amended.

Mr. Kirkland offered the following amendment to Committee Amendment No. 2, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 40 Page 2 Line 31, after the period (.) insert
nor be discriminated against by law on account of race, creed, color,
national origin, or religion.

Which was adopted.

Mr. Kirkland then offered the following amendment to Committee
Amendment No. 2, as amended, to-wit:

AMENDMENT TO COMMITTEE
AMENDMENT NO. 2, AS AMENDED

Amend S. B. 40 Line 31, by striking out the period (.) and adding:

nor shall any person be granted any right, privilege, or immunity on
account of race, creed, color, religion or sex.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 24; Nays 8.

Yeas:

Messrs.:	Hall	Little	Robertson
Bailey	Harrison	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Clemon	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Vacca
Figures	Lemaster	Proctor	Weeks
Gulledge			

—24

Nays:

Messrs.:	Glass	Kirkland	Pearson
Barron	Goodwin	Martin	White
Denton			

—8

And said Committee Amendment No. 2, as thus amended, to the Bill,
S. B. 40, as amended, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Hall	McDonald	St. John
Barron	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—25

Nays: —0

The Standing Committee on Governmental Affairs then reported the
following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 5 TO S. B. 40

Amend Senate Bill 40 as follows:

On page 4, in Section 1.10, subsection (b), in line 17 after the word "delay" delete the semi-colon and the word "provided" and insert in lieu thereof a period and delete lines 18 and 19 in their entirety.

On motion of Mr. Keener, consideration of said amendment was postponed temporarily.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 6 TO S. B. 40

Amend Senate Bill 40 as follows:

Article I, Section 1.11, page 4, delete line 21 and the word "any court." On line 22, and in line 22 after the word "manner" delete the comma and add the word:

and

In line 23 after the word "courts" delete the comma and add the words:
in the state,

And after the word "against" add the words:
in the state.

And delete the remainder of the paragraph on line 24.

Mr. White moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 15.

Yeas:

Messrs.:	Cook	Higginbotham	Taylor	
Bailey	Denton	Kirkland	Weeks	
Barron	Goodwin	Mitchem	White	
Callahan	Gulledge	St. John		—14

Nays:

Messrs.:	Hall	Lemaster	Proctor	
deGraffenried	Harrison	Little	Robertson	
Figures	Holmes	Martin	Smith	
Glass	Keener	Parsons	Vacca	—15

On motion of Mr. Smith, further consideration of Committee Amendment No. 6 was postponed temporarily.

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Article 1, Section 1.12 to read as follows:

"1.12 RIGHT TO KEEP AND BEAR ARMS

That every citizen has a right to keep and bear arms in defense of himself and the state, and this right shall not be infringed."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
deGraffenried	Kirkland	Proctor	White
Denton			—28

Nays: —0

Mr. Robertson requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article I, by inserting the following new section following Section 1.12:

"Section 1.13. Right to Protect Life and Property.

The right of the people to protect home and life, with deadly force if necessary, shall not be infringed."

Renumber Section 1.13 to become Section 1.14, and all subsequent sections through Section 1.18 becoming 1.19.

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Taylor
Britnell	Hall	McDonald	Vacca
Callahan	Holmes	Mitchem	Weeks
deGraffenried	Kirkland	Proctor	White
			—23

Nay: Mr. Figures. —1

The Senate then proceeded to further consideration of Committee Amendment No. 6 to the Bill, S. B. 40, as amended, to-wit:

Mr. Smith offered the following substitute amendment for Committee Amendment No. 6, to-wit:

SUBSTITUTE AMENDMENT FOR COMMITTEE
AMENDMENT TO S. B. 40, AS AMENDED

Committee Amendment No. 6 shall read as follows:

Amend Senate Bill 40 as follows:

Article I, Section 1.11, page 4, delete line 21 and the word "any court."

And after the word "against" in line 23 add the words:
the state.

And delete the remainder of the paragraph on line 24.

On motion of Mr. White, said amendment was laid on the table.

Yeas 15; Nays 12.

Yeas:

Messrs.:	Callahan	Gulledge	Robertson
Bailey	Cook	Kirkland	St. John
Barron	Denton	Miller	Taylor
Britnell	Goodwin	Mitchem	White

—15

Nays:

Messrs.:	Harrison	Little	Proctor
deGraffenried	Holmes	Martin	Smith
Figures	Lemaster	McDonald	Vacca
Hall			

—12

Mr. White offered the following substitute amendment for Committee Amendment No. 6, to the Bill, S. B. 40, as amended, to-wit:

SUBSTITUTE AMENDMENT FOR COMMITTEE
AMENDMENT TO S. B. 40, AS AMENDED

Committee Amendment No. 6 shall read as follows:

Amendment to S. B. 40.

Amend S. B. 40 as follows:

On page 4, Section 1.11, in line 22 strike the period and insert in lieu thereof a comma and add:

except for breach of its written contracts.

Mr. deGraffenried moved that said substitute amendment be laid on the table, which motion was lost.

Yeas 11; Nays 15.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Britnell	Hall	Miller	Robertson
deGraffenried	Lemaster	Parsons	Smith

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Nays:

Messrs.:	Denton	Keener	St. John
Bailey	Goodwin	Kirkland	Taylor
Barron	Higginbotham	Martin	Vacca
Cook	Holmes	Mitchem	White

—15

And said substitute amendment for Committee Amendment No. 6 was adopted.

Mr. deGraffenried offered the following substitute amendment for Committee Amendment No. 6, as amended, to the Bill, S. B. 40, as amended, to-wit:

SUBSTITUTE AMENDMENT FOR COMMITTEE
AMENDMENT NO. 6, AS AMENDED,
TO S. B. 40, AS AMENDED

Amend Section 1.11 to read as follows: Any person who has been injured by the State of Alabama on any of its political subdivisions shall have such remedy as may be provided by the legislature.

On motion of Mr. White, said substitute amendment was laid on the table.

Yeas 16; Nays 13.

Yeas:

Messrs.:	Denton	Higginbotham	St. John
Bailey	Goodwin	Martin	Taylor
Barron	Gulledge	Miller	Vacca
Britnell	Harrison	Mitchem	White
Cook			

—16

Nays:

Messrs.:	Holmes	Little	Proctor
Clemon	Keener	Parsons	Robertson
deGraffenried	Kirkland	Pearson	Smith
Hall	Lemaster		

—13

And said Committee Amendment No. 6, as thus amended, was then adopted by the Senate.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Denton	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Martin	Taylor
Britnell	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	White

—19

Nays:

Messrs.:	Figures	Little	Proctor
Clemon	Hall	Parsons	Smith
deGraffenried	Keener	Pearson	

—10

The Senate proceeded to further consideration of Committee Amendment No. 5 to the Bill, S. B. 40, as amended.

Mr. Cook offered the following substitute amendment for Committee Amendment No. 5, to-wit:

SUBSTITUTE AMENDMENT FOR COMMITTEE
AMENDMENT NO. 5
TO S. B. 40, AS AMENDED

To delete section 1.10 B and substitute as follows:

1.10 B All courts shall be open; and all persons for any injury done them, in their lands, goods, person or reputation, shall have a remedy by due process of law, and right and justice shall be administered without sale, denial or delay; provided that the Legislature shall have the power to regulate, limit and prescribe the rights and remedies of employees against their employers and other employees of their employer arising out of injury in the course of their employment.

Mr. Keener moved that said substitute amendment be laid on the table, which motion was lost.

Yeas 12; Nays 17.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Hall	Little	Robertson	
Clemon	Keener	Pearson	Smith	
deGraffenried				—12

Nays:

Messrs.:	Denton	Lemaster	St. John	
Barron	Glass	Martin	Taylor	
Britnell	Goodwin	McDonald	Vacca	
Callahan	Gulledge	Mitchem	White	
Cook	Holmes			—17

And said substitute amendment for Committee Amendment No. 5 was then adopted by the Senate.

And said Committee Amendment No. 5, as thus amended, to the Bill, S. B. 40, as amended, was then adopted by the Senate.

Yeas 22; Nays 9.

Yeas:

Messrs.:	Glass	Holmes	Mitchem	
Barron	Goodwin	Kirkland	Parsons	
Britnell	Gulledge	Lemaster	St. John	
Callahan	Hall	Little	Taylor	
Cook	Harrison	Martin	White	
Denton	Higginbotham	McDonald		—22

Nays:

Messrs.:	deGraffenried	Pearson	Robertson	
Bailey	Figures	Proctor	Smith	
Clemon	Keener			—9

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 58 TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 4, Article I, after line 35 add a new section and renumber the remaining sections as follows:

Section Navigable waters declared free public highways; taxes, tolls, etc., for use of shores or wharves.

That all navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law.

Mr. Smith offered the following amendment to Committee Amendment No. 58, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT NO. 58

Amend Senate Bill No. 40 by adding a new section 1.15 at line 35 and renumbering accordingly.

Which was adopted.

And said Committee Amendment No. 58, as thus amended, was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Barron	Figures	Kirkland	St. John
Britnell	Goodwin	Lemaster	Smith
Callahan	Hall	Little	Weeks
Clemon	Harrison	Martin	White
deGraffenried	Higginbotham	Mitchem	—22

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 59 TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 2, Article I, after Section 1.01, add a new section and renumber the remaining sections accordingly:

Section 1.02 People Source of Power.

That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	deGraffenried	Harrison	Mitchem	
Barron	Denton	Higginbotham	Robertson	
Britnell	Glass	Kirkland	St. John	
Callahan	Goodwin	Lemaster	Smith	
Clemon	Gulledge	Little	Taylor	
Cook	Hall	Martin	White	
				—23

Nays: —0

MOTION TO ADJOURN LOST

At 5:12 P.M., Mr. Robertson moved that the Senate adjourn until Thursday, May 24, 1979, at 10 o'clock A.M.

Mr. Kirkland offered a substitute motion that the Senate adjourn until Thursday at 8 o'clock A.M., which motion was lost.

The question recurred on the motion to adjourn until Thursday at 10 o'clock A.M., which motion was lost.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended.

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 on page 5, line 26, by adding the following*:

"Section 1.19 Right To Work.

The right of any person to work shall not be denied or abridged on account of membership or non-membership in any labor union, or labor organization."

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Figures	McDonald	Pearson	
Clemon	Hall	Miller	Robertson	
Cook	Holmes	Mitchem	St. John	
deGraffenried	Keener	Parsons	Smith	
Denton	Little			
				—17

*and re-numbering all sections accordingly.

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Nays:

Messrs.:	Glass	Higginbotham	Taylor
Bailey	Goodwin	Kirkland	Vacca
Barron	Gulledge	Lemaster	Weeks
Callahan	Harrison	Martin	White

—15

Mr. Harrison requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 2, Article I Line 17, by striking out the period after the word happiness and insert the following:

; however, this section shall in no wise interfere with the God given right of parents and/or guardians to exercise parental control and discipline of minor children.

Mr. Smith moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs.:	Holmes	Miller	Pearson
Clemon	Keener	Mitchem	St. John
deGraffenried	Martin	Parsons	Smith
Figures	McDonald		

—13

Nays:

Messrs.:	Glass	Kirkland	Taylor
Barron	Goodwin	Lemaster	Vacca
Britnell	Hall	Little	Weeks
Denton	Harrison	Robertson	White

—15

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dial, Shoemaker, Johnson (R. G.):

H. J. R. 149. INVITING THE BLIND INSTITUTE BAND FROM THE ALABAMA INSTITUTE FOR DEAF AND BLIND TO PERFORM FOR THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend a most cordial invitation to the Blind Institute Band, from the Alabama Institute for Deaf and Blind, to perform at the Capitol on Thursday, May 24, 1979, at 11:00 on Capital steps for the pleasure of the members of both the House and the Senate of Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform the Alabama Institute for Deaf and Blind, by copy of this resolution, of our request and that we hopefully anticipate an acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 149, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bennett (with notice and proof):

H. 81. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 81, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 509. To provide for a personnel board for the employees of St. Clair county and any municipalities therein which may elect to come under the authority of such board; to empower such board to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act; to prescribe certain rules and regulations for appointments and dismissals; to provide for the composition, terms of office, and compensation of the members of such board; to provide for appeal to the county circuit court of decisions made by said board; and to prescribe penalties for violations of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 509, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 153. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 153, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Rep. Campbell (with notice and proof):

H. 7. To authorize Calhoun County and each of the municipalities therein which undertake to provide animal control services or programs for the public to establish, fix, and collect reasonable fees, charges, and rates and to enter into contracts, including the leasing of county and/or municipal property, with other political subdivisions or private entites for the operation and maintenance of such services or programs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 7, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Harrison, Waggoner, Bennett, Horn, Cabaniss, Olive, Trammell, Biddle, Boles, Howard, Seibels, Nevett, Hilliard and Moore (With Notice and Proof):

H. 243. To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 243, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bennett and Amari (with notice and proof):

H. 257. To amend Section 4 of ARTICLE VIII of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, pp. 1579-1599), herein called "Act 929," which said Act 929 established for every city of the State of Alabama having a population of Two Hundred Fifty Thousand (250,000) or more, according to the last or any succeeding federal census, a pension and relief system for officers and employees of such city, and which said Act 929 was amended by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973, pp. 2124-2155).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 257, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 552. Relating to Marion County; to provide further for the compensation of election officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 552, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Smith (C) and Owens:

H. 212. To correct a discrepancy in the boundary line of Chilton and Bibb Counties in the procedure provided by Section 39 of the Alabama Constitution.

Also:

By Rep. Turner (with notice and proof):

H. 563. Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 563, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 565. Relating to Washington County; providing further for the expense and mileage allowances of the members of the board of equalization, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 565, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 571. Relating to Conecuh County; to amend Section 1 of Act No. 241, H. 386, 1973 Regular Session (Acts of 1973, p. 272), which act imposes a tax on malt or brewed alcoholic beverages, so as to further provide for such tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 571, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley:

H. 240. To amend section 25-5-50, Code of Alabama 1975, which relates to the applicability of the state workmen's compensation program, so as to allow employers to participate in said program.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 81, 153, 243, and 257. To the Committee on Local Legislation No. 2.

H. B.'s 509, 7, 552, 212, 563, 565, and 571. To the Committee on Local Legislation No. 1.

H. B. 240. To the Committee on Business and Labor Relations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 222. To amend and reenact Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1045), which act establishes a policemen's and firemen's retirement fund for the city of Anniston, so as to provide further for the administration and operation of the retirement fund and for the payment of benefits to members of the police and fire departments and their dependents and survivors.

Also:

S. 42. To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (R. G.), Dial, Shoemaker, Pegues, Blake, Owens and Whatley:

H. 103. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers, or owners of said property and/or bystanders.

Also:

By Rep. Pegues:

H. 68. To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 103. To the Committee on Judiciary.

H. B. 68. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 213. Relating to Washington County; to provide that the county commission of Washington County shall meet on the second and fourth Tuesday each month and at such other times as deemed necessary by said county governing body provided advance public notice be given by publication in a newspaper of general circulation in Washington County; and to repeal Act No. 224, H. B. 764 of the 1884-1885 Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 213, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 213

Amend S. B. 213 on line 14 by striking the word Tuesday and inserting in lieu thereof the word Monday

Also on line 23 strike the word Tuesday and insert in lieu thereof the word Monday

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Higginbotham	Parsons	Vacca
Clemon	Holmes	Pearson	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Lemaster		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 42. To amend Section 40-28-1, Code of Alabama, 1975, so that municipalities located in counties which prohibit the sale of alcoholic beverages and which are not served by the Tennessee Valley Authority shall share with such counties in the funds to be distributed by the state of Alabama in-lieu-of-taxes payments made to it by the Tennessee Valley Authority and to establish procedures and methods for calculating the shares of such counties in such funds and calculating the methods of division of such funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 42. To the Committee on Finance and Taxation.

ADJOURNMENT

At 5:45 P.M., on motion of Mr. St. John, pending further consideration of S. B. 40, the Senate adjourned until Thursday, May 24, 1979, at 10:01 A.M.

TWELFTH LEGISLATIVE DAY

THURSDAY, MAY 24, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Bill Jackson, Pastor, Five Points Baptist Church, Northport, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—33

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Teague for today.

BILLS ON THIRD READING

The Bill:

H. 6. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

was taken up by unanimous consent.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 6, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 6

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, is hereby further amended as follows:

"Section 9910. This act shall take effect at 12:01 A.M. o'clock on June 1, 1979 January 1, 1980."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Abstaining 2.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Mitchem	Taylor
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Proctor	White
Denton			—24

Nays: —0

Abstaining: Messrs.: Clemon, Figures. —2

And said Bill, H. B. 6, as thus amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Callahan	Higginbotham	McDonald	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White
Goodwin			—28

Nay: Mr. Clemon. —1

RECESS

At 10:30 A.M., on motion of Mr. St. John, the Senate took a recess until 11:15 A.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 72. RESOLVED BY THE SENATE That the following business in the order named be the special paramount and continuing order of business immediately upon the adoption of this resolution for the 12th legislative Day until 1:30 p.m. at which time a vote will be taken, taking precedence over all other business and the regular order of business:

Bill No.	Page No.	Description
H. B. 323	11	General Fund Budget
S. B. 355	15	State employee pay raise

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons
Bailey	Figures	Kirkland	Pearson
Barron	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
Clemon	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	White
deGraffenried			

—29

Nays:

—0

BILL POSTPONED

On motion of Mr. McDonald, further consideration of the Bill, S. B. 40, as amended, was postponed as Unfinished Business.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 323. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1980.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO H. B. 323

To amend House Bill Number 323 as follows:

On page 4, line 31, strike the figure 3,668,912 and insert in lieu of the figure 4,697,661.

To insert on page 9, after line 17: For use in the District Attorney's Offices of the 39 Judicial Circuits . . . 1,028,749.

On page 9, line 32, strike the figure 3,668,912 and insert in lieu of the figure 4,697,661.

On page 9, line 34, strike the figure 3,668,912 and insert in lieu of the figure 4,697,661.

On page 9, line 35, strike the figures 3,668,912 and insert in lieu of the figures 4,697,661.

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 18; Nays 11.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Callahan	Harrison	Mitchem	Taylor
Clemon	Higginbotham	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Martin	St. John	

—18

Nays:

Messrs.:	Britnell	Hall	Miller
Bailey	deGraffenried	Keener	Proctor
Barron	Goodwin	Kirkland	Robertson

—11

Abstaining: Mr. Little. —1

Mr. deGraffenried then offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO HOUSE BILL 323

On page 4, line 31, strike the figure 3,668,912 and insert in lieu of the figure 4,447,661.

To insert on Page 9, after line 17: For use in the District Attorney's Offices of the 39 Judicial Circuits . . . 778,749.

On page 9, line 32, strike the figure 3,668,912 and insert in lieu of the figure 4,447,661.

On page 9, line 34, strike the figure 3,668,912 and insert in lieu of the figure 4,447,661.

On page 9, line 35, strike the figure 3,668,912 and insert in lieu of the figure 4,447,661.

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 22; Nays 10.

Yeas:

Messrs.:	Gulledge	Little	Smith	
Callahan	Hall	Martin	Taylor	
Clemon	Harrison	McDonald	Vacca	
Cook	Higginbotham	Mitchem	Weeks	
Denton	Holmes	Pearson	White	
Figures	Lemaster	St. John		—22

Nays:

Messrs.:	deGraffenried	Kirkland	Proctor	
Bailey	Goodwin	Miller	Robertson	
Barron	Keener	Parsons		—10

Mr. deGraffenried then offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO HOUSE BILL 323

On Page 4, line 31, strike the figure 3,668,912 and insert in lieu of the figure 3,918,912.

To insert on Page 9, after line 17: For use in the District Attorney's Offices of the 39 Judicial Circuits . . . 250,000.

On Page 9, line 32, strike the figure 3,668,912 and insert in lieu of the figure 3,918,912.

On Page 9, line 34, strike the figure 3,668,912 and insert in lieu of the figure 3,918,912.

On Page 9, line 35, strike the figure 3,668,912 and insert in lieu of the figure 3,918,912.

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 18; Nays 12.

Yeas:

Messrs.:	Hall	Martin	Smith	
Callahan	Harrison	McDonald	Taylor	
Clemon	Higginbotham	Mitchem	Weeks	
Figures	Holmes	Pearson	White	
Gulledge	Little	St. John		—18

Nays:

Messrs.:	deGraffenried	Keener	Parsons	
Bailey	Denton	Kirkland	Proctor	
Barron	Goodwin	Miller	Robertson	
Cook				—12

On motion of Mr. Robertson, further consideration of the Bill, H. B. 323, was postponed until after Senate consideration of S. B. 355.

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Yeas 22; Nays 9.

Yeas:

Messrs.:	Goodwin	Kirkland	Parsons
Bailey	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Callahan	Harrison	Martin	Taylor
Cook	Holmes	Miller	Weeks
deGraffenried	Keener	Mitchem	

—22

Nays:

Messrs.:	Denton	Pearson	Smith
Britnell	Higginbotham	St. John	White
Clemon	McDonald		

—9

The Bill:

S. 355. To provide salary increases for certain State Employees and to appropriate funds therefor.

was taken up.

Mr. Barron offered the following substitute for the Bill, S. B. 355, to-wit:

SUBSTITUTE FOR S. B. 355

A BILL
TO BE ENTITLED
AN ACT

To provide salary increases for certain state employees and to appropriate funds therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first payday on or after October 1, 1979, and payable in twenty-six equal installments beginning on the first payday on or after October 1, 1979, all state employees who are listed in the classified service in the service of the state as defined in Code of Alabama 1975, Section 36-26-10, all employees of the county health departments who are employed subject to the state merit system and whose compensation paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health, and all state employees in the unclassified service who are subject to the merit system as to pay plan shall receive a cost of living increase in the amount of or equivalent to one step on the pay plan which has been most recently adopted by the state personnel board on that date. In the event that any employee is at the highest level of the pay scale for his job classification, the personnel board shall so allow and the employee shall receive a one step raise, provided, however, that the pay plan shall not be redesigned with eight steps for each classification. All hourly employees of the state, except as provided in Section 2, shall be entitled to cost of living increases in pay at the same time and in such amounts as are equal to the percentage of their rates of pay which is equivalent to the percentage of increase given to state employees subject to the merit system. All other state employees and all legislative personnel, officers and employees, including but not limited to the legislative reference service personnel and legislative fiscal office personnel, whether subject to the state merit system law or not, shall receive the raise hereinabove set forth. The amount of this salary increase shall constitute a cost of living increase and shall be in addition to the salary received by such employees.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall it apply to any judges or persons whose compensation is subject to being set or recommended by the judicial compensation commission, nor shall it apply to any department heads, assistant department heads, or cabinet level appointees or executive assistants of the governor, nor shall it in any way apply to the exempt service of the state except as expressly provided in Section 1.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase herein provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The director of the state personnel department shall also revise the rates of pay for hourly state employees, for other state employees, and for legislative personnel, including but not limited to legislative reference service personnel, not subject to the state merit system law to reflect the increases herein provided and the comptroller shall draw his warrants in accordance therewith. Provided, however, the provisions of this section shall not limit the power of the state personnel board to adjust the pay plan as currently provided by law provided all existing employees receive the cost of living increase provided herein.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1979, from such funds as the salaries of the several state employees are paid.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Denton offered the following substitute for the Barron substitute for the Bill, S. B. 355, to-wit:

DENTON SUBSTITUTE FOR BARRON SUBSTITUTE
FOR S. B. 355

A BILL
TO BE ENTITLED
AN ACT

To provide salary increases for certain state employees and to appropriate funds therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first payday on or after October 1, 1979, and payable in twenty-six equal installments beginning on the first payday on or after October 1, 1979, all State Employees who are listed in the classified service in the service of the State as defined in Code of Alabama 1975, §36-26-10 and including all employees of the County Health Departments who are employed subject to the State Merit System and whose compensation is paid out of a budget provided and agreed upon by the State,

County, or other contributing agency under the direction of the State Board of Health shall receive a cost of living increase in the amount of seven and one-half percent (7 1/2%). All hourly employees of the state except those set out in Section 2 herein and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the State Merit System or not, shall receive the raise herein above set forth. The amount of this salary increase shall constitute a cost of living increase and shall be in addition to the salary received by such employees.

Section 2. The provisions of this act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor to any judge or court personnel specifically included under the Judicial Compensation Committee Report of 1979.

Section 3. The Director of the State Personnel Department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase herein provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The Director of the State Personnel Department shall also revise the rates of pay for hourly state employees and for legislative personnel, including but not limited to Legislative Reference Service personnel, not subject to the state merit system law to reflect the increases herein provided and the comptroller shall draw his warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1979, from such funds as the salaries of several state employees are paid.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Mr. Pearson offered the following amendment to the Barron substitute, as amended by the Denton substitute, for the Bill, S. B. 355, to-wit:

**AMENDMENT TO BARRON SUBSTITUTE, AS AMENDED
BY DENTON SUBSTITUTE, FOR S. B. 355**

Amend S. B. 355 on page 2 in Section 1 on line 4 after the word "herein" by inserting the following words:

, all circuit clerks and registers, and

Which was adopted.

And the Barron substitute, as thus amended by the Denton substitute, was then adopted by the Senate.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Bailey	Figures	Lemaster	Proctor
Barron	Goodwin	Little	Robertson
Britnell	Gulledge	Martin	St. John
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White

—31

Nays:

—0

Mr. St. John moved that the Senate reconsider the vote by which the Barron substitute, as amended, was adopted, which motion was lost.

Yeas 8; Nays 24.

Yeas:

Messrs.:	Higginbotham	St. John	Taylor
Barron	McDonald	Smith	White
Callahan			

—8

Nays:

Messrs.:	Figures	Keener	Mitchem
Bailey	Goodwin	Kirkland	Parsons
Britnell	Gulledge	Lemaster	Pearson
Clemon	Hall	Little	Proctor
Cook	Harrison	Martin	Robertson
deGraffenried	Holmes	Miller	Weeks
Denton			

—24

And said Bill, S. B. 355, as thus amended by the substitute, was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Pearson
Bailey	Figures	Kirkland	Proctor
Barron	Goodwin	Lemaster	Robertson
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Taylor
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White

—31

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 149. INVITING THE BLIND INSTITUTE BAND FROM THE ALABAMA INSTITUTE FOR DEAF AND BLIND TO PERFORM FOR THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 71. HONORING THE ALABAMA JAYCEETTES ON THE TWENTY-FIFTH ANNIVERSARY OF ITS FOUNDING.

Also:

S. 42. To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

Also:

S. 213. Relating to Washington County; to provide that the county commission of Washington County shall meet on the second and fourth Tuesday Monday each month and at such other times as deemed necessary by said county governing body provided advance public notice be given by publication in a newspaper of general circulation in Washington County; and to repeal Act No. 224, H. B. 764 of the 1884-1885 Session.

Also:

S. 222. To amend and reenact Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1045), which act establishes a policemen's and firemen's retirement fund for the city of Anniston, so as to provide further for the administration and operation of the retirement fund and for the payment of benefits to members of the police and fire departments and their dependents and survivors.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 6. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 323

The Senate proceeded to further consideration of the Bill, H. B. 323.

Mr. Goodwin offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO H. B. 323

Amend House Bill No. 323 Page 18 Line 28, 30 & 31, by striking out the figure 475,500 where it appears in Section III, 13, and inserting in lieu thereof the figure 575,500.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Little offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO H. B. 323

Amend House Bill No. 323, as amended Page 44 by deleting lines 10-17.

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 21; Nays 9.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Vacca	
Clemon	Higginbotham	Pearson	Weeks	
Cook	Holmes	St. John	White	
Denton	Keener			—21

Nays:

Messrs.:	deGraffenried	Lemaster	Martin	
Bailey	Goodwin	Little	Robertson	
Barron	Kirkland			—9

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Mr. Little then offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO H. B. 323

Amend House Bill No. 323, as amended Page 10 Lines 14 thru 18 by in each case changing the figure of "6,333,000" to read as follows "4,000,000" and furthermore to reduce the total figure correspondingly.

On motion of Mr. St. John, said amendment was laid on the table.

Yeas 23; Nays 8.

Yeas:

Messrs.:	Harrison	Martin	St. John
Callahan	Higginbotham	McDonald	Smith
Clemon	Holmes	Miller	Taylor
Cook	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks
Figures	Lemaster	Pearson	White

—23

Nays:

Messrs.:	Britnell	Goodwin	Little
Bailey	deGraffenried	Hall	Robertson
Barron			

—8

Mr. Little then offered the following amendment to the Bill, H. B. 323, to-wit:

AMENDMENT TO H. B. 323

In Subsection 43, page 86, lines 25 through 29, strike the amount 8,100 and insert 15,000 in lieu thereof.

On motion of Mr. Pearson, said amendment was laid on the table.

Yeas 16; Nays 15.

Yeas:

Messrs.:	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Vacca
Clemon	Holmes	Pearson	Weeks
Denton	Keener	St. John	White
Figures			

—16

Nays:

Messrs.:	Cook	Kirkland	Parsons
Bailey	deGraffenried	Little	Proctor
Barron	Goodwin	Martin	Robertson
Britnell	Hall	Mitchem	Taylor

—15

And said Bill, H. B. 323, was read a third time at length and passed.

Yeas 32; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland	Proctor	—32
Figures	Lemaster		

Nay: Mr. Barron.

—1

BILL RE-REFERRED

Mr. Cook reported that the Standing Committee on Local Legislation No. 2, in session, had acted on the following Bill, S. B. 72, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 72, re-referred to the Standing Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE*Mr. President:*

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 66. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 66, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 66

Amend S. B. 66 on page 2, Section 1(a), by inserting a comma (,) after the word practice on line 5 and by striking the words his general neighborhood, on line 6 and by inserting in lieu thereof the words the community.

Further amend the bill on page 2, Section 1 (b), line 14, by striking the words his general neighborhood, and by inserting in lieu thereof the words the community.

Further amend the bill on page 3, Section 5, by striking on line 10 the words in good faith.

Amend S. B. 66 on page 3 line 11 and 12 by deleting the words "or with the anatomical gift laws of another state or a foreign country"

Yeas 27; Nays 0.

<i>Yeas:</i>			
Messrs.:	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	St. John
Clemon	Hall	Martin	Smith
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Mitchem	Weeks
Figures	Kirkland	Proctor	White

—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley and McMillan:

H. J. R. 153. RECOMMENDING THAT THE STATE DEPARTMENT OF REVENUE ADOPT CERTAIN REGULATIONS PERTAINING TO CURRENT USE VALUATION OF AGRICULTURAL AND FOREST PROPERTY IN THE STATE.

WHEREAS, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, Section 2 of Act No. 46 enacted at the 1978 Second Special Session of the Legislature, and Section 4 of Act No. 135 enacted at the 1978 Second Special Session of the Legislature, all agricultural and forest property in the State (in addition to certain other property in the State) shall, at the request of the owner thereof, be appraised, for purposes of ad valorem property taxation, according to its current use value and not at its fair and reasonable market value; and

WHEREAS, pursuant to Section 4 of Act No. 135, the State Department of Revenue is required, among other things, to prescribe all needful rules and regulations for the enforcement and implementation throughout the State of "current use valuation" of all agricultural and forest property, with respect to the methods of appraisal to be employed by the several county tax assessors and the forms to be used by taxpayers and county tax assessors in connection with the appraisal and assessment of agricultural and forest property; and

WHEREAS, it is the sense of the Legislature that the method of appraisal of agricultural and forest property described in Exhibit 1 attached hereto and made a part hereof is consistent with the intent and purpose of the Legislature in proposing Amendment No. 373 to the people of Alabama for their consideration and with the will of the people of Alabama expressed by their ratification of Amendment No. 373, and that the adoption by the State Department of Revenue of the aforesaid method of appraisal would fulfill the legislative mandate contained in Section 4 of Act No. 135 with respect to agricultural and forest property; and

WHEREAS, the Legislature finds that the application form set forth in Exhibit 2 attached hereto and made a part hereof would serve the purposes of the Legislature intended to be effectuated by the enactment of Act No. 135 with respect to agricultural and forest property; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recommend that the State Department of Revenue promulgate regulations adopting the method of appraisal of agricultural and forest property at its current use value described in the aforesaid Exhibit 1 and approving the application form set forth in the aforesaid Exhibit 2; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of Revenue.

EXHIBIT 1

CURRENT USE VALUATION OF AGRICULTURAL AND FOREST PROPERTY

Current use valuation of agricultural and forest property for purposes of Alabama ad valorem taxation shall be determined on the basis of ten soil groups (as determined by the Soil Conservation Service of the U. S. Department of Agriculture) and the net crop, pasture or timber income potential within each soil group. Current definitions of each soil group is attached to this exhibit as Appendix A. Landowners electing current use valuation shall have the current use value of their agricultural and forest property determined from the net income approach. The net income potential is determined by capitalizing potential net agricultural or forest income for each type of soil group. The current use value of a piece of property is therefore assumed to be the present worth of the net income property of that particular soil group will produce.

To determine current use value using this income approach a discount rate is to be selected annually utilizing the most recent five-year average of the interest rates on long-term United States Government bonds, as reported in the Federal Reserve Bulletin. (These have averaged 7.14 percent over the past five years, and this rate is the rate to be utilized for valuation for the ad valorem tax year beginning October 1, 1978.)

Then, using approved agricultural budgets for various farm enterprises as published by the Cooperative Extension Service of Auburn University and soil groups from the Soil Conservation Service of the U. S. Department of Agriculture, net income flows are to be derived from land of each soil group as if the land were put in its highest and best agricultural or forest use. Three different subclasses of agricultural and forest property are recognized: cropland, pastureland and timberland. Using available 1978 data from the above sources current use cropland values are determined for 1978 as follows:

RECOMMENDED CROPLAND VALUES FOR CURRENT USE VALUATION FOR 1978

Soil Group	Net Income Per Acre	Value Per Acre @ .0714	Assessed Value Per Acre @ 10%
1	\$34.00	\$476.19	\$47.61
2	30.60	428.57	42.85
3	22.10	309.52	30.95
4	27.20	380.95	38.09
5	25.50	357.14	35.71
6	17.00	238.10	23.81
7	6.80	95.23	9.52
8	27.20	380.95	38.09
9	17.00	238.10	23.81
10	0	0	1.00*

*It is assumed that all land has at least some minimal value for ad valorem taxation.

Since it is assumed that cropland in each soil group can be placed in its highest and best agricultural use, cropland budgets for three universal crops—cotton, soybeans, and corn—are used in determining potential net income flows for cropland.

Similar net income flows and computations are also to be developed within each soil group for timberland and pastureland, again using the approved Auburn University budgets and soil groups from the Soil Conservation Service, U. S. Department of Agriculture. Current use values for pastureland and timberland prepared in a manner comparable to that illustrated above for cropland are, for 1978:

Soil Group	Pastureland	Timberland
1	\$20.24	\$9.71
2	18.22	8.74
3	13.16	6.30
4	16.19	7.76
5	15.18	7.28
6	10.12	4.85
7	3.03	1.46
8	16.19	6.30
9	10.12	4.85
10	1.00*	1.00*

All applications for current use should be accompanied by a Soil Conservation Plan Map for the parcel in question, if a plan map has been prepared for the owner or is otherwise reasonably available. Any disputes or questions as to which soil group a particular parcel of land belongs shall be finally determined by the Board of Equalization of the county in question, after consultation with the Soil Conservation Service and the County Farm Agent. Fish ponds and the like not classified under Soil Group 10 shall be classified in the same class as the land surrounding the body of water in question.

An appropriate filled-in form exemplifying this approach to current use valuation for a hypothetical piece of land follows as Exhibit 2. Total acreage is assumed to consist of 100 acres (90 in crops, 10 in pasture) in Soil Group 1, 50 acres (25 in pasture, 25 in timber) in Soil Group 5, and 90 acres (timberland) in Soil Group 7.

APPENDIX A

Soil Groups¹

NEARLY LEVEL UPLANDS

Soil group No. 1. Nearly level soils on uplands mostly deep and well drained (0 to 2 percent slopes). Soils in this group have no limitations that significantly restrict their use for agriculture. They are well suited to a wide range of plants and may be used for cultivated crops, small grains, hay crops, pasture, or woodland. They have moderate to high available water capacity and are responsive to fertilization. (Approximately 3% of total acreage)

*It is assumed that all land has at least some minimal value for ad valorem taxation.

¹Grouped according to figures that affect productivity.

Soil group No. 2. Nearly level soils in uplands: mostly deep, imperfectly drained (0 to 2 percent slopes). Soils in this group have a wetness limitation that restricts their use for agriculture. The choice of plants may be restricted on some soils but as a group they are suited for cultivated crops, small grains, hay crops, pasture, or woodland. The wetness limitation can be partially overcome by drainage. The soils have high available water capacity and are responsive to fertilization. (Approximately 4% of total acreage)

Soil group No. 3. Nearly level soils on uplands: mostly deep, well drained with thick sandy surface layers (0 to 5 percent slopes). Soils in this group have a low available water capacity that restricts their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Most soils in this group have low fertility levels that are not easily corrected by fertilization. (Approximately 2% total acreage)

SLOPING UPLANDS

Soil group No. 4. Gently sloping to sloping soils on uplands (2 to 6 percent slopes). Soils in this group have moderate limitations that restrict their use for agriculture. The choice of plants may be restricted on some soils but as a group they are well suited for cultivated crops, small grains, hay crops, pasture, or woodland. Limitations can be overcome by conventional practices but the soils require careful management to prevent deterioration and maintain maximum crop yields. Limitations include one or more of the following: slopes of about 2 to 6 percent, a somewhat restricted rooting zone, very slow permeability of the subsoil, and low available water capacity. Most soils in this group are responsive to fertilization. (Approximately 14% total acreage)

Soil group No. 5. Sloping to strongly sloping soils on uplands (6 to 10 percent slopes). Soils in this group have severe limitations that restrict their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Limitations include one or more of the following: slopes of about 6 to 10 percent, very slow permeability of the subsoil, shallow rooting zone and, low available water capacity. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization. (Approximately 15% total acreage)

Soil Group No. 6. Moderately steep soils on uplands (10 to 15 percent slopes). Soils in this group have very severe limitations that restrict their use for agriculture. The choice of plants is restricted and very careful management is required to prevent soil deterioration, protect crops and to maintain crops yields. Soils in this group are generally poorly suited for row crops and small grains. They are suited to pasture and woodland but steep slopes restrict their use for hay crops. Limitations include one or more of the following: slopes of about 10 to 15 percent, shallow rooting depth, low available water capacity and surface stoniness that interferes with tillage. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization. (Approximately 14% total acreage)

Soil group No. 7. Steep soils on uplands (15 percent slopes). Soils in this group have very severe limitations that make them unsuited for cultivated crops, small grains, or hay crops. They are suited for pasture only to a limited

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extent and are used mainly for woodland. Limitations include one or more of the following: slopes greater than 15 percent, shallow rooting depth, low available water capacity, and surface stoniness that seriously interferes with or prohibits tillage. (Approximately 32% total acreage)

BOTTOMLANDS

Soil group No. 8. Bottomland soils that are well suited for cultivated crops, hay crops and pasture. Subject to occasional water overflow with only slight damage to crops. Soil wetness is correctable by drainage. Soils in this group are well suited for woodland. (Approximately 4% total acreage)

Soil group No. 9. Bottomland soils subject to frequent overflow with severe crop damage. Excessive wetness that persists after drainage restricts the use of these soils to mainly pasture and woodland. Woodland growth potential is excellent but equipment limitations and seedling mortality limit intensive forest management. (Approximately 12% total acreage)

Soil group No. 10. Soils normally covered with water or are saline. Soils in this group have such severe limitations that they are capable of only limited production of vegetative growth. They do not produce enough timber to justify management for production. (Less than 1% total acreage)

Source: Soil Conservation Service, U.S. Department of Agriculture.

EXHIBIT 2

APPLICATION FOR CURRENT USE
VALUE OF AGRICULTURAL AND FOREST PROPERTY
FOR AD VALOREM PROPERTY TAX ASSESSMENTS

I, John Doe, residing at Montgomery, Alabama hereby make application for current use assessment for ad valorem tax purposes on 240 acres located in Section 7, Township 17E, Range 20N.

The total acreage listed above, in my opinion, consists of:

Soil Group	Cropland	Pastureland	Timberland	Total Assessed Value
1	90 A.@ \$47.61	10 A.@ \$20.24	A.@ \$9.71	\$ 4,487.30
2	A.@ \$42.85	A.@ \$18.22	A.@ \$8.74	\$
3	A.@ \$30.95	A.@ \$13.16	A.@ \$6.30	\$
4	A.@ \$38.09	A.@ \$16.19	A.@ \$7.76	\$
5	A.@ \$35.71	25 A.@ \$15.18	25 A.@ \$7.28	\$ 561.50
6	A.@ \$23.81	A.@ \$10.12	A.@ \$4.85	\$
7	A.@ \$ 9.52	A.@ \$ 3.03	90 A.@ \$1.46	\$ 131.40
8	A.@ \$38.09	A.@ \$16.19	A.@ \$6.30	\$
9	A.@ \$23.81	A.@ \$10.12	A.@ \$4.85	\$
10	A.@ \$ 1.00	A.@ \$ 1.00	A.@ \$1.00	\$

Total current use assessed value for land \$5,180.20

Land hereinabove listed for current use value was, on October 1, 1978, devoted to agricultural or forest use as defined in Title 40, Code of Alabama 1975.

Sign Here ____/s/ John Doe_____
Partnership _____
Corporation _____

Subscribed and sworn to before me this _____ day of _____, 19 ____.

Tax Assessor

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 153, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ward, Whatley, Turnham, and Patton:

H. J. R. 154. MOURNING THE UNTIMELY DEATH OF EUGENE CLAY JONES OF OPELIKA.

Also:

By Reps. Drinkard, Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby:

H. J. R. 155. MOURNING THE DEATH OF MR. VERLON E. WATERS OF CULLMAN, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolutions, H. J. R.'s 154 and 155, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 152. EXTENDING AN INVITATION TO MR. ALFRED KAHN, ADVISER TO THE PRESIDENT, TO ATTEND AND ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request Mr. Alfred Kahn, Adviser to President Carter on inflation, to attend and address a Joint Session of the Alabama Legislature on May 31, 1979, at 10:00 a.m.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to inform Mr. Kahn, by copy of this resolution, of our invitation and that we hopefully await his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 152, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 17. HONORING DR. PAUL YODER, DISTINGUISHED PROFESSOR OF MUSIC, TROY STATE UNIVERSITY.

Also:

S. J. R. 21. COMMENDING MISS TERESA CHEATHAM, "MISS ALABAMA" AND FIRST ALTERNATE TO "MISS AMERICA", 1979.

Also:

S. J. R. 24. CONGRATULATING OUR COLLEAGUE, WALLACE MILLER, ON THE RECENT AWARDS TO HIS RADIO STATION, WKMJ.

Also:

S. J. R. 26. COMMENDING MISS JENA LOUISE LARGE, MISS ALABAMA NATIONAL TEENAGER FOR 1979.

Also:

S. J. R. 33. MOURNING THE DEATH OF MR. JAMES LOWELL ADAMS, SR., FORMER STATE SENATOR AND PROMINENT DOTHAN BUSINESSMAN.

Also:

S. J. R. 38. MOURNING THE DEATH OF WILLIAM L. HOLLAND, JR.

Also:

S. J. R. 40. CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

Also:

S. J. R. 41. COMMENDING BARBARA MANDRELL AS FEMALE VOCALIST OF THE YEAR.

Also:

S. J. R. 43. OPPOSING CONGRESSIONAL BUDGET CUT FOR GENERAL REVENUE SHARING.

Also:

S. J. R. 69. COMMENDING MR. REX THOMAS ON RECENT HONORS RECEIVED.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Martin, Goodwin, Cook, Denton, and Vacca:

S. 409. Relating to the establishment of a statewide voter registration file, maintenance system, with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special, or general election for four (4) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided for by law.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 410. To amend section 34-30-22, Code of Alabama 1975, which relates to the qualifications of applicants for licenses for the practice of social work, so as to provide that certain persons applying for licensing as a bachelor social worker shall not be required to have a baccalaureate degree if they have certain approved practical work experience in the field of social work.

Committee on Health and Welfare.

By Messrs. Vacca, Cook, Martin, Figures, Denton, Proctor, and Goodwin:

S. 411. To authorize the Secretary of State to compile and publish election handbooks for election officers, candidates, or voters, to charge a fee therefor; and to appropriate the proceeds of the fee to the office of Secretary of State.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 412. To prohibit persons from processing or manufacturing fraudulent driver licenses and to set penalties for violating this act.

Committee on Judiciary.

By Mr. Mitchem (with notice and proof):

S. 413. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 413, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook:

S. 414. To provide tax incentives for candidates, party officials, public officials, and individual contributors.

Committee on Finance and Taxation.

By Mr. Keener:

S. 415. To amend sections 11-50-15 and 11-50-234 of the Code of Alabama 1975 which relate to fees of the boards of directors of public corporations, so as to increase the maximum fees which may be paid.

Committee on Governmental Affairs.

By Mr. Keener:

S. 416. To amend section 12-17-290 of the Code of Alabama 1975 which relates to certain requirements for qualifying as supernumerary circuit court reporters, so as to remove the requirement of continuous service and to provide further for qualifying procedures for supernumerary circuit court reporters.

Committee on Finance and Taxation.

By Mr. Keener:

S. 417. To permit a retired state policeman to accept employment within any department or agency of the state government of Alabama without being required to become or remain a member of the state retirement system as a condition of their employment, or be denied retirement benefits otherwise earned as a state policeman during such term of employment in a classified position other than state policeman.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 418. To make it a misdemeanor to flee or attempt to elude a pursuing police vehicle, or to impersonate a law enforcement officer by using a motor vehicle equipped, designed or marked to resemble a police vehicle in order to stop, direct or otherwise control traffic.

Committee on Judiciary.

By Mr. Weeks:

S. 419. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which

provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

Committee on Judiciary.

By Messrs. Weeks and Denton:

S. 420. To permit the Department of Public Safety to charge for the cost of providing goods and services furnished and permit the retention of such funds in the Department's operating budget.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 421. To prohibit the solicitation of contributions or passing out of material on the public streets, roads, and highways; and to prescribe penalties for the violation of this Act.

Committee on Judiciary.

By Mr. Weeks:

S. 422. To provide further for the trial of persons charged with traffic offenses and to require the reporting of convictions of traffic offenses of juvenile offenders to the department of public safety.

Committee on Judiciary.

By Messrs. Weeks and Denton:

S. 423. To prohibit persons from processing or manufacturing fraudulent driver licenses and to set penalties for violating this act.

Committee on Judiciary.

By Messrs. Kirkland and Proctor:

S. 424. Altering the report of the judicial compensation commission to the 1979 Regular Session of the Legislature and providing further for the compensation of circuit and district judges.

Committee on Judiciary.

By Mr. Kirkland:

S. 425. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for out-planting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

Committee on Finance and Taxation.

By Messrs. White, Callahan, Keener, and Kirkland:

S. 426. To propose an amendment to the Constitution relative to the method of adopting amendments to the Constitution affecting political subdivisions of this state.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Robertson:

S. 427. To amend Section 9-2-14, Code of Alabama 1975, which creates an advisory board of conservation and natural resources so as to increase the appointive membership and the qualifications of the board.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Parsons (with notice and proof):

S. 428. An Act altering, rearranging and extending the boundaries of the City of Pleasant Grove, Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 428, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (C), McKee and Ward:

H. 26. To amend Section 28-3-266, Code of Alabama 1975 in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 26. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

H. J. R. 75. EXPRESSING THE INTENT OF THE LEGISLATURE WITH REGARDS TO THE APPROPRIATION BILLS

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That it is the express

intent of the Legislature that there shall be no cost of living increases by any Department or Agency of the State of Alabama unless and until those covered by the General Appropriation Bills are given the same ratio or percentage of a cost of living increase for the fiscal year 1979-80.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 75, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake:

H. 592. To repeal Act No. 1044, H. 1902, Regular Session 1971, (Acts 1971, p. 1857), entitled "An Act Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide for a deputy coroner for said counties to be appointed by the coroner of said counties; the deputy coroner to reside in the Northern Judicial Division of said counties if the coroner resides in the Southern Judicial Division of said counties or the deputy coroner must reside in the Southern Judicial Division of said counties if the coroner resides in the Northern Judicial Division of said counties; the deputy coroner is to be paid \$100.00 for each month said deputy coroner serves and a mileage allowance of 10¢ per mile."

Also:

By Rep. Blake (with notice and proof):

H. 593. Relating to St. Clair County; to provide for a deputy coroner who is to be appointed by the coroner of said county; to designate the deputy coroner's place of residence in said county; and to provide for the compensation, expense and mileage allowances for such officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 593, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 594. Relating to St. Clair County; to regulate the salaries and to provide for expense accounts of certain public officials in St. Clair County and also to provide for a referendum election to be held pursuant to Amendment 196 of the Alabama Constitution of 1901.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 594, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale:

H. 597. Relating to counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the 1970 or any subsequent federal decennial census; to regulate and control the operation and licensing of massage parlors and provides penalties for violations of this act.

Also:

By Rep. Gafford:

H. 286. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications for such office.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 592, 593, 594, and 597. To the Committee on Local Legislation No. 1.

H. B. 286. To the Committee on Local Legislation No. 2.

(The above Bill, H. B. 286, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 74. To provide for privileged communications with clergymen.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 323. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Grouby, Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Carter, Cheatwood, Cobb, Cosby, Crow, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper, Harvey, Johnson (R. G.), Laird, Langford, McKee, Minus, Mitchell, Moore, Olive, Parker, Payne, Pegues, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, and Willis:

H. J. R. 158. ENCOURAGING THE PRESIDENT OF THE UNITED STATES, THE ALABAMA CONGRESSIONAL DELEGATION, THE SECRETARY OF AGRICULTURE, AND THE SECRETARY OF ENERGY TO PROMOTE AND ADOPT A NATIONAL POLICY OF A BUSHEL OF WHEAT FOR A BARREL OF OIL.

WHEREAS, the United States is heavily dependent on foreign oil to maintain its agricultural and industrial growth; and

WHEREAS, the citizens of our country are also dependent on foreign oil producing countries for their transportation and energy needs; and

WHEREAS, the United States shares its agricultural surpluses with the countries which are now organized to capitalize on our nation's oil shortage; and

WHEREAS, the United States has not exploited the food shortage in these oil producing countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly, and of one accord, encourage the President of the United States, the Alabama Congressional Delegation, the Secretary of Agriculture, and the Secretary of Energy to promote and adopt the equitable national policy of a bushel of wheat for a barrel of oil.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the above named persons.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 158, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 6. To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 148. URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE PRESIDENT AND THE ALABAMA CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY STEPS TO RETAIN AMTRAK PASSENGER TRAIN SERVICE IN ALABAMA.

WHEREAS, passenger train service through the State of Alabama is currently provided by the Floridian and the Crescent, both of which operate under the auspices of AMTRAK with operation of said passenger train service scheduled through October, 1979; and

WHEREAS, in July, 1979, studies are to be made that will determine schedules and services of AMTRAK lines for the next three years; and

WHEREAS, the State of Alabama shares with its 49 sister states the dilemma imposed upon us by the current energy crisis; and

WHEREAS, availability of passenger train service will greatly determine our citizens' ability to cooperate with the Administration in conserving gasoline and the degree to which Alabamians can answer the pleas of our President obviously will be greatly hampered if AMTRAK passenger service should no longer be available to our citizens; and

WHEREAS, in this time of crisis, it is mandatory that AMTRAK's passenger train service continue through Alabama to the cities served by the Floridian and by the Crescent; the Alabama Legislature recognizes that mass transportation available to all is crucial at this time with the public's future need for more mass transportation service, not less; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most urgently request the

United States Department of Transportation, the President of the United States, and all members of the Alabama Congressional Delegation to take all necessary steps to see that AMTRAK continues the schedules of the Floridian and the Crescent as they currently operate through Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter, to the Director of the U. S. Department of Transportation and to each member of the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 148, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Daniels, Carothers, Sasser and Grimsley:

H. J. R. 159. CONGRATULATING AND COMMENDING MISS TONIA KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

By Reps. Daniels, Sasser, Carothers and Grimsley:

H. J. R. 160. CONGRATULATING AND COMMENDING MISS MOLLY MIZELL, NATIONAL "LITTLE MISS PEANUT."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolutions, H. J. R.'s 159 and 160, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Trustees of the Alabama Institute for the Deaf and Blind.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 24th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the Alabama Institute for the Deaf and Blind:

Dr. Jerry N. Gurley, Talladega, Alabama—Appointed for the term expiring November 28, 1984.

William D. Smith, Athens, Alabama—Reappointed for the term expiring November 28, 1984.

Mrs. Janice Hawkins, Birmingham, Alabama—Appointed for the term expiring November 28, 1984.

Mrs. Peggy Crocker Estes, Eufaula, Alabama—Appointed for the term expiring November 28, 1984.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully,

FOB JAMES,
Governor.

Done this 24th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute) (With Amendments):

S. 92. To provide for a 20% discount on utility bills for persons 62 years of age or older.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Amendment):

S. 229. To provide that all justices of the supreme court, judges of the courts of appeal, and circuit judges assuming office for the first time on or after May 1, 1979, shall be entitled to benefits under the judicial retirement fund; to prescribe certain exceptions, including: (a) Such justices or judges shall not receive retirement pay until age sixty; (b) retirement pay shall be computed upon a percentage of final salary at the time of retirement; (c) any cost-of-living increase shall be limited to the times such increments are granted to state employees; (d) only prior creditable service as a judge shall count toward judicial retirement; to provide that certain prior service as a district court judge may be counted toward retirement as a circuit or appellate judge; to repeal conflicting laws.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Cook and Parsons:

S. 142. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Proctor:

S. 259. To amend §22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

By Mr. Callahan:

S. 269. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

By Mr. Weeks:

S. 98. To amend Section 2-29-1 of the Code of Alabama 1975 so as to include floricultural products and nursery products in the definition of "farm products"; to amend Sections 40-17-100, 40-23-4 and 40-23-62 as each was last amended, and 40-23-37 of said code relating to state sales and use tax exemptions, discounts and refunds so as to provide such exemptions, discounts and refunds for nurserymen, horticulturists and floriculturists to the same extent as they are provided for farmers and to provide retroactive effect to January 1, 1979.

By Mr. Callahan:

S. 150. To provide for a minimum salary for certain probate judges.

By Mr. Robertson:

S. 352. To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their gross income for the preceding year was \$7,500 or less.

By Rep. Pegues, Dial, Sasser, McKee and Naramore:

H. 66. To amend Section 9-17-24 of the Code of Alabama 1975, so as to provide for the deposit of the oil and gas well permit fees into the state general fund; to provide for the transfer of all funds in the state treasury to the credit of the oil and gas fund to the credit of the general fund; and to provide for the abolition of the oil and gas fund.

By Mr. Glass:

S. 279. To provide for the payment of funds by the State Department of Education to the respective local boards of education.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Manley and Clark:

H. 194. To amend Section 36-25-4 of the Code of Alabama 1975 relating to powers and duties of the state ethics commission so as to prohibit said commission from investigating certain complaints regarding public officials.

By Rep. Manley:

H. 196. To amend sections 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of the Code of Alabama 1975 relating to security interests so as to extend the time period for perfecting security interests in order to obtain priority over other creditors.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smith, Cook, McDonald, Mitchem, Taylor, Holmes, Keener, Denton and Britnell:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its

scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

By Mr. Martin:

S. 180. To amend Section 40-12-21 of the Code of Alabama 1975 relating to license records to be kept by judges of probate or license commissioners so as to provide further for the keeping of such records.

By Mr. Teague:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

By Mr. Higginbotham:

S. 237. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

By Mr. Pearson:

S. 327. Relating to voter registration; to require that the probate judge and chief probate clerk in certain counties be appointed as deputy registrars.

By Messrs. St. John, Mitchem, Martin, Bailey, Cook, Figures, Goodwin, Gullede, Higginbotham, Britnell, Smith, Holmes, Parsons, and Keener:

S. 356. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-3, 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

By Reps. Carothers, Hines, Holley, Gafford and Williams:

H. 139. To amend Section 41-4-150 of the Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number of copies printed and provide for the distribution of the journals.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 154. To amend Section 25-5-77, Code of Alabama 1975, relating to the state workmen's compensation law so as to provide further for the extension of medical benefits, the choice of physicians, the payment for medical services, and the furnishing of medical reports.

By Messrs. Callahan and St. John:

S. 368. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that no further retainage will be withheld after 50 percent completion of construction of school buildings.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (With Substitute):

S. 127. To amend Section 16-25-10.1, Code of Alabama 1975, which provides that employees of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System, so as to include employees of the Alabama Vocational Association.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendments):

H. 17. To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-19, 34-7-24, 34-7-40 and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 283. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, Parsons, and Keener (With Amendments):

S. 362. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 5. To provide for the licensing of histotechnologists; to establish an Alabama Board of Examiners for Histotechnologists; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees and to provide penalty for violation of this act.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford, et al:

H. 242. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener (with notice and proof):

S. 361. Relating to the City of Gadsden, Alabama; amending Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787), which relate to the city's policemen and firemen retirement fund and certain limitations of benefits and the time requirements therefor and restrictions of reemployment, so as to broaden certain benefits; and removing all restrictions of reemployment in state or local government after retirement, except by the City of Gadsden.

By Rep. Campbell (with notice and proof):

H. 7. To authorize Calhoun County and each of the municipalities therein which undertake to provide animal control services or programs for the public to establish, fix, and collect reasonable fees, charges, and rates and to enter into contracts, including the leasing of county and/or municipal property, with other political subdivisions or private entities for the operation and maintenance of such services or programs.

By Rep. Turner (with notice and proof):

H. 311. Relating to Washington County; further providing for the expense allowances of certain county officers.

By Rep. Turner (with notice and proof):

H. 563. Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance.

By Rep. Turner (with notice and proof):

H. 565. Relating to Washington County; providing further for the expense and mileage allowances of the members of the board of equalization, and repealing conflicting laws.

By Rep. Hines (with notice and proof):

H. 368. Relating to Escambia County; to legalize the sale of draft or keg beer or malt beverages.

By Rep. Hines and Warren (with notice and proof):

H. 367. To amend Section 1 of Act No. 248, H. 976 of the 1976 Regular Session of the Legislature entitled "An Act Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county" so as to provide further for the salary of said chief deputy.

BILLS RETURNED TO END OF REGULAR CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Messrs. Keener, Mitchem, Smith, Denton, Gullledge, deGraffenried, Harrison, Kirkland, St. John, and Parsons (With Amendments):

S. 50. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violations of this Act; and repealing all laws that conflict with this Act.

By Mr. Britnell:

S. 148. To direct Brewer State Junior College to continue its branch campus in Tuscaloosa; to direct such junior college to continue its recruitment and transportation policies and procedures in Pickens, Lamar, Fayette and Tuscaloosa Counties; and to provide that any monies appropriated or allocated to such junior college shall be expended for the purposes for which they were intended.

BILLS PLACED ON CONSENT CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Vacca:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

By Messrs. Proctor and Kirkland:

S. 75. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers, owners of said property and/or bystanders.

By Mr. Little (With Substitute) (With Amendment):

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

By Mr. Hall:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

By Rep. McMillan:

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

By Mr. Martin:

S. 225. To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

By Mr. McDonald (With Substitute):

S. 38. To amend Section 26-4-145, Code of Alabama 1975, so as to permit a ward's property to be sold without advertising or with limited advertising in certain instances.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Hines, Gafford and Williams:

H. 135. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the

fee for issuance of said permits to an amount not less than \$5.00 nor more than \$50.00; amends Sections 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$50.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$10.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$25.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00, by increasing the annual registration certificate fee to an amount not less than \$10.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$5.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$25.00 nor more than \$150.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 135. To the Committee on Health and Welfare.

RESOLUTIONS

Mr. Martin offered the following Senate Resolution, to-wit:

S. R. 73. HONORING MR. JERRY COUNTRYMAN, BAND DIRECTOR AT DECATUR HIGH SCHOOL SINCE 1960.

Which was adopted.

Messrs. Callahan and Gullledge offered the following Senate Resolution, to-wit:

S. R. 74. Calling on the University of Alabama and Auburn University to schedule basketball games with the University of South Alabama and the University of Alabama in Birmingham.

WHEREAS, the State of Alabama has been recognized for excellence in all fields of university sports, and

WHEREAS, the University of Alabama's Basketball team under the direction of Coach C. M. Newton, achieved a praiseworthy 22 wins and 11 losses overall winning season, a SEC winning record of 11 wins and 7 losses and placed third in the National Invitational Tournament, and

WHEREAS, the Auburn University Basketball team had a 13-16 overall season and a notable 2-1 record in the SEC Tournament under the guidance of Coach Sonny Smith, and

WHEREAS, the University of South Alabama's Basketball team, directed by Coach Cliff Ellis, had an overall record of 20 wins, 7 losses and received a first round bye to the Sun Belt Conference semi-finals because of their winning season, plus an at-large bid to the NCAA Midwest Regional, and

WHEREAS, the University of Alabama in Birmingham in its first basketball season ever had an overall winning season of 15 wins and 11 losses under the direction of Coach Gene Bartow,

NOW THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, the aforementioned state universities are requested to schedule basketball games among each other for the purposes of improving the sport of basketball within the state, for providing a means of comparison between Southeastern and Sun Belt Conferences and to assure the thousands of fans of all schools involved the highest quality spectator sports possible within the state.

Which was read and referred to the Standing Committee on Rules.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 75. COMMENDING MS. SARAH TOPPINS, HECTOR AWARD RECIPIENT.

WHEREAS, the Legislature of Alabama is pleased to note that Ms. Sarah Toppins is the recent recipient of a prestigious Hector Award, a signal honor bestowed by the Troy State University Hall School of Journalism for outstanding performance by Alabamians in Journalism; and

WHEREAS, Ms. Toppins received her award on May 10, 1979, at the fifth annual Hector Awards Ceremony at Troy State; her award was for "meritorious public service performed by Alabamians in Journalism" and was given for her work as producer of the Alabama Public Television Network series called, "For the Record . . . Special Edition," which series featured appearances by candidates for political office during the 1978 campaigns for election; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Ms. Sarah Toppins of the Alabama Public Television Network as the recipient of a 1979 Hector Award, and direct that she receive a copy of this resolution as a token of our high praise and esteem.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 76. HONORING MS. SANDRA POLIZOS OF THE ALABAMA PUBLIC TELEVISION NETWORK.

WHEREAS, it is to be noted that Ms. Sandra Polizos of the Alabama Public Television Network was recently honored during the fifth annual Hector Awards Ceremony at Troy State University; and

WHEREAS, Ms. Polizos, as executive producer of the network's series, "For the Record . . . Special Edition," received her Hector Award for "meritorious public service performed by an Alabamian in Journalism"; and

WHEREAS, the television series featured appearances by candidates for political office during the 1978 elections and for its excellence, Ms. Polizos, as executive producer, was most deservedly honored by Troy State's Hall School of Journalism with its highest accolade for professionalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Ms. Sandra Polizos, recipient of a 1979 Hector Award.

BE IT FURTHER RESOLVED, That Ms. Polizos receive a copy of this resolution as evidence of our appreciation and praise of the excellence of her work as a television producer.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 77. CONGRATULATING AND COMMENDING MISS MOLLY MIZELL, NATIONAL "LITTLE MISS PEANUT."

WHEREAS, the Legislature of Alabama is pleased to note the selection of Molly Mizell of Ozark, Alabama, as our National "Little Miss Peanut" whose reign began this past October following festival finals; and

WHEREAS, little Molly Mizell is the daughter of Mr. and Mrs. H. Jack Mizell and is an eight-year old second grade student at Joseph Lisenby Elementary School in Ozark; and

WHEREAS, Molly is a former "All-American Little Miss" for Dale County who then won the talent division and was first alternate for the State; she also was "Little Miss Ozark" which made her eligible for the National Peanut Festival where she won her national title, "Little Miss Peanut;" and

WHEREAS, with lovely brown hair and black eyes, Molly is a charming and talented young lady who indeed has many outstanding accomplishments to her credit for one so young; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Molly Mizell of Ozark, Alabama, as our national "Little Miss Peanut"; we wish her every future success and direct that she and her parents receive copies of this resolution as evidence of our warm praise and congratulations.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 267, on page 37 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 267, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Smith offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 173, on page 36 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 173, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 158, on page 40 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 158, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Bailey offered the following Senate Resolution, to-wit:

S. R. 78. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. 96.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. 96, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does the proposed law violate Section 65 of the Constitution of Alabama of 1901?
2. Does the proposed law violate Section 105 of the Constitution of Alabama of 1901 as being a local law contravening the general statutes that prohibit gambling, such as those contained in Title 13, Chapter 7, Article 2, Code of Alabama 1975?

RESOLVED FURTHER, That the secretary of the Senate is hereby directed to send five true copies of pending bill S. 96 to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

By Mr. Weeks (with notice and proof):

S. 96.

A BILL TO BE ENTITLED AN ACT

To provide for and create the Henry County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received

under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county and on the question of whether the act will become effective in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Henry County Racing Commission is hereby created and established and is vested with the powers and duties specified in this act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this act. The official name of said commission shall be the Henry County Racing Commission or the Commission. Said Commission shall consist of the mayors of Abbeville, Headland and Newville. All books, records, maps, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency, official or person.

Section 2. Each commissioner shall take the same constitutional oath of office as other county officers, and shall give bond payable to the county in the amount of Five Thousand Dollars (\$5,000.00), condition that he will faithfully and properly perform the duties of his office. The premiums on such bonds shall be paid by the commission. The commission may employ such assistance and employees as may be necessary who shall be paid out of funds deposited in the county treasury to the credit of the racing commission.

A member of the racing commission must not be an official member of any Board of Directors, or person financially interested in any race track or race meeting licensed by the commission, nor shall he race dogs in any race meeting licensed by the commission.

Section 3. The compensation of each member of the commission shall be One Thousand two Hundred Dollars (\$1,200.00) per month. One member of said commission shall be required to be in attendance at each racing event. Each commissioner who attends a racing event while engaged in the performance of his duties or in traveling outside the county on the business of the commission shall receive an additional Forty Dollars (\$40.00) per diem. The above sums shall be paid out of the funds in the county treasury deposited to the credit of the Henry County Racing Commission and shall be paid to the commissioners in the same manner as the compensation of other county officers is paid.

Section 4. The county treasurer of the county, if there be such an office and if there be no such office as county treasurer, then the Henry County Commission, shall be empowered to appoint an individual to serve as ex officio treasurer of the Racing Commission, and shall collect all the license fees, taxes, and monies provided in this act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof.

Section 5. The Racing Commission shall have the authority to employ legal counsel of its selection to advise the Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds deposited in the county treasury to the credit of the Racing Commission.

Section 6. It shall be the duty of the County Racing Commission to carry out the provisions of this act; and it shall have the following specific duties:

(1) To fix and set dates upon which race meetings may be held or operated.

(2) To make an annual report to the county commission of its operation, showing its own actions and rulings, and receipts derived under the provisions of this act, and such suggestions as it may deem proper for the more effective accomplishment of the purpose of this act.

(3) To require each applicant, who must have been a resident of the State of Alabama for at least five years immediately preceding the date of the license issued, to set forth on his application for a license to operate a race meeting the following information:

(a) The full name of the person, association, or corporation and if a corporation, the name of the State under which the same is incorporated, and the name of the corporation's agents for service of process within the State of Alabama.

(b) If an association or corporation the names of the directors of the corporation or the names of the officers and directors of the association.

(c) The exact location where it is desired to conduct or hold a racing meet and a complete set of architect renderings and detail construction plans showing the site, topography, the type of construction, the track design, and the concession plans, together with sufficient proof of capitalization to construct and operate said facility.

(d) Whether the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of the officers and directors thereof, each of whom shall have been a resident of the State of Alabama for at least five years immediately preceding the date on which the license is issued; provided, however, that nothing in this act shall prevent any person, association or corporation from applying to the commission for a permit to conduct races where the racing plant has not been constructed. Whether the food service operation, including restaurant, snacks, beverage, bar and concession stand sales, is owned or leased or otherwise operated by a third party, the name and address of the lessee or operator, or if the lessee or operator is a corporation, the names of the officers and directors thereof, each of whom shall have been a resident of the State of Alabama for at least five years immediately preceding the date on which the license is issued.

(e) The kind of racing to be conducted and the dates requested.

(f) Such other information as the commission may require.

(4) To require an oath of every applicant, or by the president or executive officer of the association or corporation, stating that the information contained in the application is true.

(5) To make uniform rules and regulations governing the holding, conducting, and operating of all race tracks, race meetings, and races held in the county.

(6) All books, records, maps, documents, and papers of the commission, including those filed with the commission as well as those prepared by or for it, shall at all times be open for the personal inspection of the Tax Collector, Tax Assessor, Probate Judge, Custodian of County Funds and the Officials of the Revenue Department of the State of Alabama, and no person having charge or custody thereof shall refuse this right to any officer of investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them. Any member or employee of the commission who violates the provisions of

this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned in the county jail not exceeding three months. If any member of the commission violates the provisions of this section, he shall be subject to removal from office.

Section 7. Any person, association, or corporation desiring to operate a racing track in the county shall have the right subject to the provisions of this act to hold and conduct one or more racing meetings at such track each year providing that no such license shall be granted to any person, association or corporation or to any track for a period longer than three hundred racing days in any one year.

There shall be only one racing facility in Henry County, Alabama, and only one license shall be issued.

Section 8. No race or racing shall be permitted on Sunday. No person under eighteen years of age shall be employed in any manner about said race track except as exercise boys and grooms; nor shall persons under eighteen years of age be permitted to attend any race.

(1) Seventy-five (75) percent of the employees of the said track must be bona fide resident citizens of Alabama. A good faith effort will be made to employ Henry County citizens first.

Section 9. Any person, association, or corporation possessing the qualifications prescribed in this act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this act. The original (first) license shall be issued at the discretion of the Racing Commission at a time to be determined by the Racing Commission. Any person, association, or corporation possessing the qualifications prescribed in this act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this act after the original license has been issued. On or before the first day of January of each subsequent year after the receipt of any such applications, the Commission shall convene to consider and to act upon all permits and licenses applied for during that time. Approved permits or licenses shall be granted for a period of one year from the first day of February, except the first license granted hereunder shall be from the date of its issuance and shall set forth, in addition to any other information prescribed by the Commission, the name of the licensee, the location of the race track, the duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Commission of the license fee set by the Commission, the setting of which is hereby authorized, provided, however, said license fee shall not exceed One Thousand Dollars (\$1,000.00). No such license shall be transferable, nor shall it apply to any other place, track, or enclosure except the one specified in this license.

(1) The Commission shall not issue any licenses which would permit any two race tracks in the county to operate on the same racing days. Further, after the first license has been issued to the licensee, all subsequent annual applications for a license by a permit holder shall be accompanied by proof (in such form as the Commission may require) that said licensee still possesses the qualifications set out in this act. Such applications for renewal of license shall not be denied except for due cause.

Section 10. The Commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person, association or corporation licensed to conduct

race meetings under the provisions of this act. The Commission may at any time require the removal of any employee or official employed by any licensee hereunder whenever it has reason to believe that such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the Commission. The Commission shall have the power to require that the books and financial or other statements of any licensee to be kept in a manner and method provided by the Commission; and the Commission shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any person, association or corporation licensed under this act. The Commission shall have power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issue before it. Any person failing to appear before said commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed six months, or by both fine and imprisonment in the discretion of the Court.

Section 11. The Commission shall have the power to grant, refuse, suspend, or withdraw licenses to all persons connected with race tracks, including gate keepers, announcers, ushers, starters, months, or both fine and imprisonment in the discretion of the Court.

In addition to the other rules and regulations that may be promulgated by the Racing Commission the following shall be complied with by the licensee or operator of the race plant and employees thereof:

(a) A duly licensed veterinarian shall be on the grounds at weighing time and make examination of the physical condition of each greyhound, and any dog not considered to be in good physical condition, shall be reported to the presiding official.

(b) An adequate security force shall be employed as prescribed by the Racing Commission. Members of security force shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the race track.

(c) Public liability insurance shall be carried by the licensee or operator in an amount and with a company approved by the Racing Commission.

(d) All racing events shall be concluded by midnight.

(e) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

Section 13. Every licensee conducting race meetings under the provisions of this act, shall pay to the ex officio treasurer of the Racing Commission for the use of the Commission, a tax in an amount equal to four (4) percent of the total contributions to all pari-mutuel pools conducted or made on any race track licensed under this act. The commission of a licensee on a pari-mutuel pool shall in no event exceed eighteen (18) percent of the amount contributed to said pari-mutuel pool, which amount shall include the four (4) percent tax heretofore provided. After the deduction of the four (4) percent for the use of the Commission and the percentage Commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be

determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the lowest multiple of ten cents per dollar wagered. The licensee shall be permitted to provide separate pools for bets to win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, a perfecta or exacta pool and a trifecta pool. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime," and all monies represented by any unclaimed, uncashed, or abandoned pari-mutuel tickets known as "outs" money. Under the pari-mutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, a perfecta or exacta pool and a trifecta pool. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets of the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Racing Commission. The licensee shall collect from each paid attendant attending the race meetings under the provisions of this act ten (10) cents as an admission tax. Licensees shall make payment of such taxes to the ex officio treasurer of the Racing Commission once each quarter (3 months), which payment shall be accompanied by a report on the races covered by such report and such other information as the Commission may require.

Section 14. The license fees, commissions, and excise taxes imposed herein shall be in lieu of all licenses, excise taxes, occupational taxes, and all other taxes including but not limited to any and all sales taxes, lease taxes, unemployment compensation taxes, utility taxes, alcoholic beverage taxes and ad valorem taxes payable to either the State of Alabama and or the County of Henry, or any other county, city, town or political subdivision.

Section 15. All fees, commissions, taxes, and other monies, including fines, and forfeitures, received under the provisions of this act shall be paid to the treasurer of Henry County and deposited by said treasurer in the county treasury to the account of the Henry County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of the members and employees of this Commission shall be distributed on an annual basis as follows:

- (a) 25 percent Cities. Distributed to incorporated towns and cities on a population prorated basis using the latest United States census.
- (b) 25 percent County Board of Education.
- (c) 50 percent to Henry County governing body.

Section 16. Any corporation, association, or person who directly or indirectly holds any greyhound race without having procured a license as prescribed in this act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the para-mutuel method of wagering when the same is conducted by a licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon

conviction of any of the above misdemeanors in a Court of competent jurisdiction, the penalty shall be a fine of not less than One Hundred Dollars (\$100.00), not more than One Thousand Dollars (\$1,000.00), or by imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the Court.

Section 17. No person who engages in the practice of professional gambling on greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, shall be eligible as an applicant for any license or permit to operate a race track or a race meeting under the provisions of this act, or to be connected therewith in any capacity and any association or corporation which as an officer, director, stockholder, executive, or knowingly employs any person who engages in such practices shall likewise be ineligible as a licensee, and the Commission is hereby empowered to inquire into such matters in entertaining any such applications and otherwise administering this act.

Section 18. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison for not less than one year nor more than ten years, or shall be fined not less than Five Thousand Dollars (\$5,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or both, in the discretion of the Court.

Section 19. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any race track in this county, between the period of time beginning one hour prior to the first race of the day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provision of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, or shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both, in the discretion of the Court.

Section 20. The Racing Commission shall extend said limitations of time for greyhound racing not to exceed two (2) days at any one time beyond the period otherwise provided by law so that any such track shall conduct a charity day or days of racing for any one or more recognized charities in Henry County which has a tax exempt status as provided for under the

Internal Revenue Code. The total of all profits derived from the operation of such racing on such charity days including all monies which would otherwise be received by the Racing Commission as taxes for such day's operations shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the Racing Commission.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the County or any agency thereof for such day's operations, said tracks shall only be entitled to deduct from the profits accruing from all receipts on such charity days of racing their actual operating costs, which costs shall be those expenses incurred by the race track solely by reason of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fee, donations, bad debts, and such other items of daily or prorated expense as the Racing Commission may by rule prescribe.

Section 21. It is the intent of this act to improve the economic well being of the citizens of Henry County, by providing an increased tax base, jobs for the citizens herein, and promotion of tourism and recreation in Henry County. It is further the intent of this act to provide for strict local control of the racing plant or plants and the operation of said plants by Henry County citizens so as to minimize the possibility of undesirable gambling elements from ever controlling this industry.

Section 22. A referendum shall be held on the first Tuesday after Labor Day 1978, to wit, September 5, 1978. In the event that time, or for other reasons, this act cannot be voted on on the above date (September 5, 1978) the County governing body of Henry will within 30 days after September 5, 1978, provide for a referendum for the purpose of determining if this act shall become operative. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you favor the creation of the Henry County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____ .

If the majority of the votes cast in the referendum are "Yes", greyhound racing shall be legal in Henry County and this act shall become operative therein; if the majority of the votes cast in the election are "No", this act shall have no further effect. The Probate Judge of Henry County shall certify the results of the referendum to the Secretary of State in the time frame and in the manner as provided in other elections in the State of Alabama after the election results are canvassed.

Section 23. If any provision, paragraph or part of this act shall be declared invalid, unconstitutional, or void, the balance of said act shall remain in full force and effect.

Section 24. All laws or parts of laws in conflict with this act are repealed.

Section 25. This act shall become effective upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Which was read and referred to the Standing Committee on Rules.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 355. To provide salary increases for certain state employees and to appropriate funds therefor.

ALBERT McDONALD,
Chairman.

MOTION IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 188, on page 35 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 188, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Messrs. Miller, Bailey, and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 79. CONGRATULATING AND COMMENDING MISS TONIA KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Miss Tonia Kirkland, reigning National Peanut Festival Queen; and

WHEREAS, Tonia Kirkland, a former Miss Cottonwood, is a senior at Cottonwood High School, an outstanding student who has maintained excellent grades throughout her school career; and

WHEREAS, Miss Kirkland, the lovely daughter of Mr. and Mrs. Wayne Kirkland of Cottonwood, is to be most highly commended for the manner in which she has so graciously and capably represented the peanut industry and our State since her selection this past October as Festival Queen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Tonia Kirkland as National Peanut Festival Queen and voice our deep appreciation for the fame and honor she has brought to the State of Alabama as our ambassador throughout the United States.

BE IT FURTHER RESOLVED, That both she and her justifiably proud parents receive copies of this resolution that they may know of our appreciation, high praise and esteem.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 80. DECLARING THE WEEK OF JUNE 3-9, 1979, "ALABAMA POULTRY AND EGG WEEK."

WHEREAS, the poultry and egg industry is Alabama's largest farm industry, totaling nearly \$600 million annually and accounting for over 34 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of poultry and eggs; and

WHEREAS, the poultry and egg industry provides jobs for thousands of Alabamians; and

WHEREAS, Gerald F. Bailey, Cullman, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor, and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 3-9, 1979, is hereby declared to be "Alabama Poultry and Egg Week."

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 109, on page 18 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 109, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 239, on page 18 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 239, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 164, on page 10 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 164, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

H. 47. Relating to St. Clair County; to amend Section 16 of Act No. 1728, H. 2522 (Acts of Alabama, 1971, p. 2889), relating to the construction,

repair and maintenance of roads in St. Clair County and to the duties of the county commission, so as to further provide for the travel expenses of the chairman and the members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Goodwin	McDonald	Smith	
Barron	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 363. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Goodwin	Martin	Taylor	
Britnell	Hall	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Keener	Parsons	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

S. 364. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	St. John	
Barron	Goodwin	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Harrison	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays: —0

BILLS RECOMMITTED

Mr. Callahan moved that the Bills, S. B.'s 336 and 337, be removed from the calendar and recommitted, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 336 and 337 recommitted to the Committee on Commerce, Transportation, and Utilities.

CONSENT CALENDAR BILLS ON THIRD READING

The Bill:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Vacca
Clemon	Higginbotham	Mitchem	Weeks
deGraffenried	Keener	Parsons	White
Denton			—28

Nays: —0

The Bill:

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 88, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 88

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-1-17 of the Code of Alabama 1975 is hereby amended to read as follows:

"Section 5-1-17. No certificate of deposit issued by a banking corporation or trust company for any special deposit for which interest is to be paid must be reissued, but, on return thereof, must be cancelled. Provided, however, that in the case of certificates of deposit issued for more than ninety (90) days, such corporation or company shall send within a reasonable period, but in no event less than five (5) days before maturity, a written notice of maturity to the last known address of record."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Banking and Insurance then reported the following amendment to the substitute for the Bill, S. B. 88, to-wit:

**COMMITTEE AMENDMENT TO SENATE SUBSTITUTE
FOR SENATE BILL 88**

Amend substitute for Senate Bill 88, on page 1, line 29, by striking out after the word "than" and before the word "days" the word "five (5)" and insert in lieu thereof the word "ten (10)"

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Gulledge	Martin	St. John	
Barron	Hall	McDonald	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Vacca	
Clemon	Keener	Parsons	Weeks	
deGraffenried	Kirkland	Pearson	White	
Denton	Lemaster			—29

Nays:

—0

And said Bill, S. B. 88, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Clemon	Harrison	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	Weeks	
Denton	Keener	Proctor	White	
				—23

Nays:

—0

The Bill:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Hall	Little	Proctor
Barron	Harrison	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
Callahan	Keener	Mitchem	Vacca
Figures	Lemaster	Parsons	Weeks
Gulledge			

—20

Nays: —0

The Bill:

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

was read a third time at length and passed.

Yeas 9; Nays 6.

Yeas:

Messrs.:	Figures	Holmes	Weeks
Callahan	Goodwin	Vacca	White
Clemon	Higginbotham		

—9

Nays:

Messrs.:	Britnell	Hall	Little
Barron	Denton	Harrison	

—6

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 225. To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Bailey	Figures	Lemaster	Smith
Barron	Goodwin	Little	Taylor
Britnell	Hall	Martin	Vacca
Callahan	Higginbotham	Mitchem	White
deGraffenried	Keener		

—21

Nays: —0

The Bill:

S. 38. To amend Section 26-4-145, Code of Alabama 1975, so as to permit a ward's property to be sold without advertising or with limited advertising in certain instances.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 38, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 38

A BILL TO BE ENTITLED AN ACT

To amend Section 26-4-145, Code of Alabama 1975, so as to permit a ward's property to be sold without advertising or with limited advertising in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-4-145, Code of Alabama 1975, is hereby amended to read as follows:

"§ 26-4-145.

"The guardian must give notice of the day, place and terms of sale and a description of the property to be sold by advertisement for three successive weeks in some newspaper published in the county where the sale is to take place and, in case of a sale of lands lying in one body but in more than one county, such notice must be given in each of the counties. If there be no such paper published in the county or in any county in which notice is required to be given, then, as to the county having no such paper, the notice must be given by posting at the courthouse door and at three other public places in the county.

"When the property is perishable, or the expense of keeping it is very great, other unusual conditions warrant a quick sale, or a quick sale will serve to bring the best price the sale may be made after five days' notice, which may be given by one insertion in a newspaper published in the county where the sale is to take place or, if there be no such paper, by posting at the courthouse door and at three other public places in the county.

"In addition to the notice hereinabove prescribed, the court may direct the giving of notice by printed handbills or posters to be distributed and posted in the manner best calculated to give extended notice of the sale."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:
Barron
Britnell

Callahan
deGraffenried
Denton

Goodwin
Hall
Higginbotham

Keener
Kirkland
Lemaster

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Little	Mitchem	Smith	Vacca	
Martin	Parsons	Taylor	White	
Miller	Proctor			—21
Nays:				—0

And said Bill, S. B. 38, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Gulledge	McDonald	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	White	
deGraffenried	Keener			—21

Nays: —0

MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 200, on page 40 of the 12th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 200, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

as amended.

The question was on the amendment offered by Mr. Harrison, which said amendment is set out in the Journal of the Senate for the Eleventh Legislative Day.

On motion of Mr. Smith said amendment was indefinitely postponed.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 19 TO SENATE BILL 40,
AS AMENDED

Amend S. B. 40 as follows:

On page 7, Article III, Section 3.03, in line 20 between the words "election" and "to" insert the words: within 15 days

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	Robertson
Britnell	Hall	Martin	Smith
Clemon	Higginbotham	Miller	Taylor
deGraffenried	Keener	Mitchem	White
Denton			

—24

Nays:

—0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

SENATE GOVERNMENTAL AFFAIRS COMMITTEE AMENDMENT
NO. 20 TO SENATE BILL 40, AS AMENDED

Amend S. B. 40 as follows:

On page 8, Article III, in Section 3.06, in line 11, before the words "The legislature" add the words:

"In 1982, and quadriennially thereafter," and strike the word "The" on line 11 and insert in lieu there the word: the

On motion of Mr. Smith, consideration of said amendment was postponed temporarily.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

SENATE GOVERNMENTAL AFFAIRS COMMITTEE
AMENDMENT NO. 21 TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 9, Article III, Section 3.09, in line 17 after the word "of" insert the following words:

not less than thirty days nor more than and on line 18 after the word "days," add the following words:

as the governor may designate,

On motion of Mr. Smith, consideration of said amendment was postponed temporarily.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 22 TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 15, Article III, after line 20, insert the following new section 3.29 and renumber subsequent sections accordingly:

Section 3.29. Banks.

Neither the state nor any political subdivision thereof, shall be a stockholder in any bank, nor shall the credit of the state or any political subdivision thereof be given or lent to any banking company, association, or corporation.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem
Bailey	Goodwin	Kirkland	Parsons
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Higginbotham	Martin	White
deGraffenried			

—20

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 24
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

Article III, on page 15, line 21, delete Section 3.30 in its entirety and substitute therefor the following:

Section 3.30. General, Special, Private and Local Laws Defined.

(a) A general law within the meaning of this constitution is (1) a law which in its terms and effect applies to the whole state, without excepting any county, political subdivision, or geographical district; (2) a law applicable to geographical areas or districts involving two or more counties or municipalities on the basis of criteria reasonably related to the subject of the law; or (3) a law relating to the form, organization, plan, authority, power, operation or administration of one or more classes of counties or municipalities, which classes the legislature shall have previously established, based on population, provided not more than eight such classes of each shall be in effect at any one time. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law.

(b) No general law which at the time of its enactment applies to only one county or municipality in the State shall be enacted after ratification of this section, unless notice of the intention to apply therefor shall have been given and shown as provided in Section 3.31 of this constitution for local laws; provided that such notice shall not be deemed to constitute such law a local law.

(c) A special or private law is one which applies to an individual, association or corporation. A local law is one which is not a general law or a special or private law.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Higginbotham	Mitchem	Weeks	
Figures	Kirkland			—17

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Senate then proceeded to further consideration of Committee Amendment No. 20 to the Bill, S. B. 40, as amended.

Mr. Smith offered the following amendment to Committee Amendment No. 20, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT
NO. 20 TO S. B. 40, AS AMENDED

Amend Amendment No. 20 to Senate Bill No. 40 by striking out the word "1982" after the word "In" and inserting in lieu thereof the word "1983"

Which was adopted.

And said Committee Amendment No. 20, as thus amended, to the Bill, S. B. 40, as amended, was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Callahan	Hall	Mitchem	Weeks	
deGraffenried	Higginbotham	Parsons	White	
Denton	Kirkland	Proctor		—22

Nays: —0

The Senate then proceeded to further consideration of Committee Amendment No. 21 to the Bill, S. B. 40, as amended.

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Little requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 11 Line 19, by striking out the word Press and insert in lieu thereof the words "news media"

Which was adopted.

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Yeas 20; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Cook	Keener	Mitchem	Weeks
deGraffenried	Kirkland	Proctor	White
Denton			—20

Nays: —0

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 11, Article III, delete in its entirety Section 3.14, subparagraph (b) and insert in lieu thereof the following:

(b) The doors of each house shall be open except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the legislature, former members of the legislature, the officers and employees of the legislature and legislative departments or agencies, the governor and a representative of the governor, representatives of the news media, who shall be subject to the rules of each house, and other persons to whom either house, by unanimous vote, may extend the privileges of the floor.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Vacca
Callahan	Harrison	Mitchem	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland	Robertson	—22

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 56 TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 7, Article III, Section 3.01, in line 6 after the word "state" insert the words:

, except as otherwise provided in

Article IX of this constitution,

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Barron	Goodwin	Little	Taylor	
Britnell	Gulledge	Martin	Vacca	
Callahan	Hall	Mitchem	Weeks	
deGraffenried	Keener	Robertson	White	
Denton	Kirkland			—21

Nays: —0

Mr. Robertson requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 9 Line 26, by striking out Sec. 3.11 in its entirety and renumbering the following sections.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 14; Nays 7.

Yeas:

Messrs.:	Hall	Martin	Smith	
Britnell	Keener	Miller	Taylor	
Denton	Lemaster	Mitchem	Weeks	
Figures	Little	St. John		—14

Nays:

Messrs.:	Callahan	Goodwin	Robertson	
Barron	deGraffenried	Kirkland	White	—7

Mr. Robertson then requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 10 Line 13, by striking out "the" after the word "of" and inserting "any"

Amend Senate Bill No. 40 Page 10 Line 13, by striking out "preceding" after the word "session" and striking out all of line 14.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Barron	Gulledge	Little	Smith	
Callahan	Hall	Martin	Taylor	
deGraffenried	Higginbotham	Miller	Vacca	
Denton	Keener	Mitchem	Weeks	
Figures	Kirkland	Robertson	White	—23

Nays: —0

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Mr. Callahan then requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Article III Section 3.01 Page 7 Line 9-10, by striking out the words "The people reserve to themselves the powers of initiative as provided in their constitution"

And said amendment was then lost.

Yeas 12; Nays 15.

Yeas:

Messrs.:	Goodwin	Higginbotham	Vacca
Barron	Gulledge	Kirkland	Weeks
Callahan	Harrison	St. John	White
Clemon			

—12

Nays:

Messrs.:	Denton	Little	Parsons
Bailey	Hall	Martin	Robertson
Britnell	Keener	Miller	Smith
deGraffenried	Lemaster	Mitchem	Taylor

—15

Mr. Barron requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 10 Line 20, by inserting the word "recorded" after the word "A"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Bailey	Figures	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Higginbotham	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
deGraffenried	Kirkland	Pearson	White

—27

Nays: —0

Mr. Barron then requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 10 Line 25, by inserting the words "or she" after the word "he".

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Higginbotham	Mitchem	Taylor
Barron	Keener	Parsons	Vacca
Denton	Kirkland	Robertson	Weeks
Figures	Lemaster	St. John	White
Gulledge	Little		

—21

Nays:

—0

ADJOURNMENT

At 4:55 P.M., on motion of Mr. Robertson, pending further consideration of the Bill, S. B. 40, the Senate adjourned until Tuesday, May 29, 1979, at 11:00 A.M.

THIRTEENTH LEGISLATIVE DAY

TUESDAY, MAY 29, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Earl M. Hall, Pastor, Normaldale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—33

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Teague for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Kirkland, Parsons, Proctor and Cook:

S. 429. To exempt the American Lung Association of Alabama, the American Lung Association of Southwest Alabama and the Jefferson-Shelby Lung Association from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Little:

S. 430. Relating to taxation; exempting the Society of Alabama Archivists, a non-profit organization, from the levy of all state, county, municipal and local sales tax and use tax.

Committee on Finance and Taxation.

By Mr. Cook:

S. 431. Amends section 17-9-19 of the Alabama Code, 1975, to allow appointing board of election managers to hold election schools of instruction at various times of the year; sets a date of 30 days prior to the election when such a school must be held; opens schools to any qualified elector; requires certification except in emergency situations; adds a new section which sets up minimum standards for evaluation and certification of election officials and requires secretary of state to assist and to develop training aids including a handbook for election officials; repeals section 17-9-20 eliminating pay to attend election schools of instruction; amends section 17-9-21 to increase minimum fine and decreases maximum fine for violations, requires probate judge to report violations; amends section 17-6-6 to fix a date for submitting names of election officials by political parties; amends section 17-6-1 to coordinate dates of appointment with dates of schools of instruction; amends section 17-6-2 to fix a date for the publication of election officials' names, addresses, and voting places; and further amends sections 17-6-1, 17-6-6, 17-6-7, and 17-5-13 to allow election officers to serve at any voting place within the county rather than being restricted to serve in only the place where he or she votes.

Committee on Governmental Affairs.

By Mr. St. John:

S. 432. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Committee on Judiciary.

By Messrs. Keener, Parsons, White and Proctor:

S. 433. To prescribe the circumstances under which legislative committees can compel the attendance of witnesses, administer oaths and issue subpoenas duces tecum, and the manner of taking testimony; to provide for the admissibility of the testimony before such committee, taken by sound recording or transcript, into evidence in any criminal proceeding or as the committee otherwise may deem appropriate; to prescribe penalties for perjury; and to prescribe that the provisions of this act are cumulative.

Committee on Judiciary.

By Mr. Holmes (with notice and proof):

S. 434. To alter the boundary lines of the municipality of Oxford, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 434, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison:

S. 435. To amend Section 25-4-54 of the Code of Alabama 1975, relating to the Alabama Unemployment Compensation Act, by providing for the transfer of the unemployment benefit experience to a successor employer, if he originally became subject to the provisions of this Act by acquiring a segregable portion of another employer and acquired another segregable portion after October 1, 1978.

Committee on Business and Labor Relations.

By Mr. Harrison:

S. 436. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this act.

Committee on Agriculture, Conservation
and Forestry.

By Mr. Goodwin:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Committee on Business and Labor Relations.

By Mr. St. John:

S. 438. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 439. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

Committee on Finance and Taxation.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 17. HONORING DR. PAUL YODER, DISTINGUISHED PROFESSOR OF MUSIC, TROY STATE UNIVERSITY.

Also:

S. J. R. 21. COMMENDING MISS TERESA CHEATHAM, "MISS ALABAMA" AND FIRST ALTERNATE TO "MISS AMERICA", 1979.

Also:

S. J. R. 24. CONGRATULATING OUR COLLEAGUE, WALLACE MILLER, ON THE RECENT AWARDS TO HIS RADIO STATION, WKMX.

Also:

S. J. R. 26. COMMENDING MISS JENA LOUISE LARGE, MISS ALABAMA NATIONAL TEENAGER FOR 1979.

Also:

S. J. R. 33. MOURNING THE DEATH OF MR. JAMES LOWELL ADAMS, SR., FORMER STATE SENATOR AND PROMINENT DOTHAN BUSINESSMAN.

Also:

S. J. R. 38. MOURNING THE DEATH OF WILLIAM L. HOLLAND, JR.

Also:

S. J. R. 40. CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

Also:

S. J. R. 41. COMMENDING BARBARA MANDRELL AS FEMALE VOCALIST OF THE YEAR.

Also:

S. J. R. 43. OPPOSING CONGRESSIONAL BUDGET CUT FOR GENERAL REVENUE SHARING.

Also:

S. J. R. 69. COMMENDING MR. REX THOMAS ON RECENT HONORS RECEIVED.

Also:

S. 66. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using

customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to the provisions of S. J. R. 40, the President and Presiding Officer of the Senate appointed Messrs. Miller, Mitchem and Cook to the Interim Committee to Study the Operation of All State Cafeterias.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama A & M University.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 29th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Paul Dudley White, Birmingham, Alabama, as a member of the Board of Trustees of Alabama A & M University for the term expiring January 31, 1982.

Respectfully,

FOB JAMES,
Governor.

Done this 29th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the Board of Trustees of Alabama A & M University, was read and referred to the Standing Committee on Rules.

IN MEMORIAM

JAMES LOWELL ADAMS, SR.

1916-1979

MEMBER OF THE ALABAMA SENATE

1967-1970

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 29th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. John M. Harbert, III, Birmingham, Alabama, as a member of the Alabama Alcoholic Beverage Control Board for the term expiring February 10, 1985.

Respectfully,

FOB JAMES,
Governor.

Done this 29th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama State University.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 29th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Dr. Richard Arrington, Birmingham, Alabama, as a member of the Board of Trustees of Alabama

State University for the unexpired term of Mr. Louis J. Willie (resigned) ending January 31, 1984.

Respectfully,

FOB JAMES,
Governor.

Done this 29th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment on the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alcoholic Beverage Control Board.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 29th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Frieda Coggin, Bay Minette, Alabama, as a member of the Alcoholic Beverage Control Board for the unexpired term of Mr. Lawrence Harris (resigned) ending February 10, 1983.

Respectfully,

FOB JAMES,
Governor.

Done this 29th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees of the Alabama Institute for the Deaf and Blind.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 29th day of May, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Joe Edward Basenberg, Mobile, Alabama, as a member of the Board of Trustees of the Alabama Institute for the Deaf and Blind for the unexpired term of Mrs. Clara Stone Collins (resigned) ending November 28, 1980.

Respectfully,

FOB JAMES,
Governor.

Done this 29th day of May, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the Alabama Institute for the Deaf and Blind, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 111. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, May 17, 1979, we adjourn to meet again on Tuesday, May 22, 1979, and when we adjourn on Tuesday, May 22, we adjourn to meet again on Thursday, May 24, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 111, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILL RETURNED TO REGULAR CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Mr. Harrison:

S. 23. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

RESOLUTION

Mr. Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 81. HONORING RANDOLPH G. "DOC" LURIE UPON HIS RETIREMENT AS AN ASSISTANT ATTORNEY GENERAL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

WHEREAS, Randolph G. Lurie, known to his associates and friends as 'Doc', is retiring from public service after having served as an Assistant Attorney General in the Office of the Attorney General and as Legal Advisor to the Department of Finance for a total of thirty-seven years; and

WHEREAS, he has always performed in a gentlemanly, courteous and accommodating manner; and

WHEREAS, he has contributed his expertise in matters of great importance to the State government and local governments in our great State of Alabama, and has rendered invaluable advice and aid to the members of the Legislature in the past years in drafting bills and maintaining indices of proposed legislation; and

WHEREAS, Randolph G. Lurie has served long and faithfully and meritoriously as a public servant and is held in the highest esteem by his fellow members of the Bar and is recognized as an authority in his field:

BE IT RESOLVED by the Legislature of Alabama, both Houses concurring:

That Randolph G. 'Doc' Lurie is hereby congratulated and commended for his dedicated, conscientious and valuable services in behalf of the Legislature and people of this State and we do thank him for his long and faithful service and wish him every happiness in his retirement.

BE IT FURTHER RESOLVED, that the Secretary of the Senate deliver a copy of this resolution to 'Doc' Lurie as a symbol of the appreciation shown by the members of the Legislature, his fellow employees and the people of Alabama for whom he served so well.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 259, on page 45 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 259, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 82. EXPRESSING THE LEGISLATURE'S CONCURRENCE WITH THE RECENT COURT DECISION ORDERING THE RELOCATION OF TVA ADMINISTRATIVE HEADQUARTERS FROM KNOXVILLE, TENNESSEE, TO THE MUSCLE SHOALS AREA OF ALABAMA.

WHEREAS, the Tennessee Valley Authority Act of 1933 required that said corporation locate and maintain its principal office in the vicinity of Muscle Shoals, Alabama; and

WHEREAS, in direct defiance of the provisions of this 1933 Act, administrative headquarters were located and have since remained in Knoxville, Tennessee; circumvention of the law was questionably achieved through the opening of what was termed a "principal office" at Muscle Shoals but has been described as little more than "a one-room office equipped with one typewriter and two file cabinets"; and

WHEREAS, on January 25, 1979, as a result of a suit filed in 1977 by the Attorney General of Alabama, U. S. District Judge Frank H. McFadden issued an order prohibiting TVA from maintaining headquarters anywhere other than in the Muscle Shoals area of Alabama and directing that said headquarters in Knoxville be moved to comply with the stipulation written into the 1933 Act; and

WHEREAS, it is the consensus of this body that the TVA Act of 1933 is explicit in language and in Congressional intent and that Judge McFadden's recent order of compliance serves to correct an injustice that has existed for more than forty years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously voice total and unequivocal agreement with the Court's decision to relocate TVA headquarters to the Muscle Shoals area of Alabama as stipulated by the Tennessee Valley Authority Act of 1933, and therefore most strongly urge immediate implementation of Judge Frank H. McFadden's order of January 25, 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of the United States and to the TVA Board of Directors, Mr. David Freeman, Chairman, with copies also sent to each member of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 361. Relating to the City of Gadsden, Alabama; amending Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787), which relate to the city's policemen and firemen retirement fund and certain limitations of benefits and the time requirements therefor and restrictions of reemployment, so as to broaden certain benefits; and removing all restrictions of reemployment in state or local government after retirement, except by the City of Gadsden.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Goodwin	McDonald	Smith	
Barron	Gulledge	Mitchem	Taylor	
Britnell	Hall	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Lemaster	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 7. To authorize Calhoun County and each of the municipalities therein which undertake to provide animal control services or programs for the public to establish, fix, and collect reasonable fees, charges, and rates and to enter into contracts, including the leasing of county and/or municipal property, with other political subdivisions or private entities for the operation and maintenance of such services or programs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	St. John	
Bailey	Goodwin	Mitchem	Smith	
Barron	Gulledge	Parsons	Taylor	
Britnell	Hall	Pearson	Vacca	
Clemon	Holmes	Proctor	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 311. Relating to Washington County; further providing for the expense allowances of certain county officers.

was read a third time at length and passed.

REGULAR SESSION
13th Day

453

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John
Bailey	Figures	McDonald	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Harrison	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays: —0

The Bill:

H. 563. Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	St. John
Bailey	Gulledge	Mitchem	Smith
Barron	Holmes	Parsons	Taylor
Britnell	Keener	Pearson	Vacca
Clemon	Kirkland	Proctor	Weeks
Cook	Little	Robertson	White
Denton	Martin		

—25

Nays: —0

The Bill:

H. 565. Relating to Washington County; providing further for the expense and mileage allowances of the members of the board of equalization, and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John
Bailey	Figures	Miller	Smith
Barron	Gulledge	Mitchem	Taylor
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Clemon	Kirkland	Robertson	White
Cook	Little		

—25

Nays: —0

The Bill:

H. 368. Relating to Escambia County; to legalize the sale of draft or keg beer or malt beverages.

was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 2.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Taylor	
Callahan	Hall	Mitchem	Vacca	
Clemon	Higginbotham	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Kirkland			—25

Nays: —0*Abstaining:* Messrs. Barron, Harrison. —2

The Bill:

H. 367. To amend Section 1 of Act No. 248, H. 976 of the 1976 Regular Session of the Legislature entitled "An Act Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county" so as to provide further for the salary of said chief deputy.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Figures	Martin	Smith	
Barron	Goodwin	Miller	Taylor	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Proctor	White	
Cook	Kirkland			—25

Nays: —0

CONSENT CALENDAR BILL

The Bill:

S. 75. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers, owners of said property and/or bystanders.

was taken up.

On motion of Mr. Proctor, said Bill, S. B. 75, was postponed temporarily.

MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 229, on page 43 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 229, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 269, on page 45 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 269, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 64, on page 8 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 64, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 74, on page 40 of the 13th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 74, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ray (with notice and proof):

H. 525. To alter, rearrange and extend the boundaries of the City of Brundidge in Pike County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 525, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (with notice and proof):

H. 604. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Brockton of Coffee County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 604, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 632. To provide for a referendum in any city in the State of Alabama which has a population of less than twenty thousand (20,000) and which elected to abandon the commission form of government and return to the mayor-council form of government since January 1, 1975, but was denied approval of the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 USC § 1973 (c) due to the objection that aldermen are elected at large; to provide for the electorate of such city to choose between the commission form of government and the mayor-council form of government; to provide for the ballots to be used in any such referendum; to provide for an election of commissioners or a mayor and aldermen depending upon which form of government receives a majority of the votes at said referendum; to provide for the election of a President of the Board of Commissioners, a Commissioner of Streets, and a Police Commissioner who would designate the place for which such person is a candidate; to provide for the terms of office of said commissioners; to provide for a method of fixing the salaries of the commissioners; to provide for the election of one alderman from each ward by the electorate of such ward and the election of a mayor by the electorate of the city at large with the mayor to serve as the president of the council; to provide for the terms of office of the aldermen and mayor; and to provide for a method of fixing the salaries of the aldermen and mayor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 632, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 638. Relating to Clay County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 638, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford (with notice and proof):

H. 287. Relating to Jefferson County; providing for and requiring the reidentification of each qualified elector in the county in 1971 and in 1981 and in each fourth year thereafter; requiring the Board of Registrars to take the necessary action to purge the lists of the qualified electors in the county in 1981 and in each fourth year thereafter; authorizing the employment of investigators to assist in purging such lists; and providing that any person making a wilfully false statement in connection with reidentification shall be guilty of perjury.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 287, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford (with notice and proof):

H. 288. Relating to counties having a population of 500,000 or more according to the last or any subsequent federal census in 1961, 1971 and in any tenth year thereafter; repealing Act No. 530, H. 1096 of the 1959 Regular Session (Acts 1959, Vol. 2, p. 1305), as last amended, relating to voter reidentification and requiring the Board of Registrars in any such county to periodically purge lists of the qualified electors, entitled, "An Act To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 288, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 525, 604, 632, and 638. To the Committee on Local Legislation No. 1.

H. B.'s 287 and 288. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 351. Relating to Pickens County; to regulate and provide for the payment of compensation of election officers; and to provide for retroactive effect.

Also:

S. 375. Relating to Wilcox County; to authorize and regulate the power of the county commission to construct and maintain roads or drive-ways leading from a public road to the residence of a landowner.

Also:

S. 376. To amend Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), providing an additional expense allowance for the chairman and members of the Wilcox County Commission so as to provide further for such expense allowance.

Also:

S. 377. Relating to Wilcox County; to further authorize and regulate the use of county equipment.

JOHN W. PEMBERTON,
Clerk.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

as amended.

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 11, Section 3.14(b) line 17 after "lature," insert "former members of the legislature who are not engaged in lobbying,"

Mr. Smith moved that said amendment be laid on the table, which motion was lost.

Yeas 7; Nays 17.

Yeas:

Messrs.: deGraffenried Figures	McDonald Parsons	Proctor St. John	Smith	—7
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Nays:

Messrs.: Barron Britnell Callahan Cook	Denton Goodwin Gulledge Hall Holmes	Keener Little Martin Miller	Mitchem Taylor Vacca White	—17
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Mr. Cook then requested and received unanimous consent to withdraw said amendment.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 7
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 18, Section 4.02, in lines 11, 12, 14, and 16 wherever the word "districts" or "district" appear insert prior to such words

single-member

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Taylor	
Barron	Harrison	Little	Vacca	
Callahan	Higginbotham	Mitchem	Weeks	
Denton	Keener	Robertson	White	
Gulledge	Kirkland	Smith		—18

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 8
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article IV, Section 4.03 as follows:

On page 18 in line 22 after the word "States." delete the remainder of subsection (a) and delete in their entirety lines 31 through 37, and on page 19 delete lines 3 through 35 in their entirety.

Which was adopted.

Yeas 15; Nays 10.

Yeas:

Messrs.:	Figures	Holmes	Parsons	
Barron	Goodwin	Kirkland	Robertson	
Callahan	Gulledge	Lemaster	Weeks	
Denton	Higginbotham	Martin	White	
				—15

Nays:

Messrs.:	Cook	Little	Smith	
Bailey	deGraffenried	Mitchem	Taylor	
Britnell	Hall	St. John		—10

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 9
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 20, by deleting in its entirety Section 4.04 and inserting in lieu thereof the following:

Reapportionment of congressional districts for the election of the members of the United States House of Representatives shall be accomplished as soon as practical after official publication of each decennial census of the United States.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Keener	St. John	
Barron	Goodwin	Lemaster	Smith	
Britnell	Gulledge	Little	Taylor	
Callahan	Hall	Martin	Vacca	
Cook	Harrison	Mitchem	Weeks	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes	Robertson		—26

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 32
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

Article V, Section 5.04, page 22, line 5, after the word "for" delete the word "three" and insert in lieu thereof the word

five

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson	
Bailey	Gulledge	Lemaster	St. John	
Barron	Hall	Little	Smith	
Britnell	Harrison	Martin	Taylor	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Figures				—28

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 33
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

Article V, Section 5.05, page 22, on line 9 delete the word "in" and insert in lieu thereof the word

at

Mr. Robertson offered the following substitute amendment for Committee Amendment No. 33, to-wit:

SUBSTITUTE AMENDMENT FOR
COMMITTEE AMENDMENT NO. 33

Amend Senate Bill No. 40, as amended, Page 22 Line 9, by striking out "in" after the word "reside" and inserting "in the county of the location of the state capitol".

Which was adopted.

And said Committee Amendment No. 33, as thus amended, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor
Bailey	Figures	Kirkland	Robertson
Barron	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Clemon	Hall	Martin	Taylor
Cook	Harrison	Parsons	White
deGraffenried	Holmes		

—25

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 34
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article V, Section 5.05, on page 22, line 7, after the word governor, by inserting the word

attorney general,

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Parsons
Barron	Figures	Keener	Proctor
Britnell	Goodwin	Kirkland	Robertson
Callahan	Gulledge	Lemaster	Smith
Clemon	Hall	Little	Taylor
Cook	Harrison	Martin	Vacca
deGraffenried	Higginbotham	Miller	White

—27

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 35
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article V, on page 21, following line 25, by inserting the following new section:

Section 5.02. A. Election of Sheriffs; Sheriff Eligible to Succeed Self. A sheriff shall be elected in each county by the qualified electors thereof and he shall be eligible to such office as his own successor.

Mr. Goodwin offered the following substitute amendment for Committee Amendment No. 35, to-wit:

SUBSTITUTE AMENDMENT FOR
COMMITTEE AMENDMENT NO. 35

Amend Senate Bill 40 on page 21, line 25, by striking all of Section 5.02A and inserting the following:

"Section 5.02A Election and term of office of Sheriff; sheriffs eligible to succeed self.

A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of six years unless sooner removed, and he shall be eligible to such office as his own successor."

And said substitute amendment was then lost.

Yeas 14; Nays 16.

Abstaining 1.

Yeas:

Messrs.:	Cook	Holmes	Taylor	
Bailey	Goodwin	Keener	Vacca	
Barron	Gulledge	Kirkland	White	
Callahan	Higginbotham	Proctor		—14

Nays:

Messrs.:	Hall	Martin	Robertson	
Clemon	Harrison	McDonald	St. John	
deGraffenried	Lemaster	Mitchem	Smith	
Denton	Little	Parsons	Weeks	
Figures				—16

Abstaining: Mr. Miller. —1

And said Committee Amendment No. 35 was then adopted by the Senate.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Callahan	deGraffenried	Goodwin
Bailey	Clemon	Denton	Gulledge
Britnell	Cook	Figures	Hall

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Harrison	Lemaster	Proctor	Taylor
Higginbotham	Little	Robertson	Vacca
Holmes	Martin	St. John	Weeks
Keener	Mitchem	Smith	White
Kirkland	Parsons		

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Nay: Mr. Barron. —1

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 36
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On pages 23 and 24, Article V, Section 5.07, in line 34, after the word "laws," delete the remainder of the section in its entirety.

Mr. Smith offered the following amendment to Committee Amendment No. 36, to-wit:

COMMITTEE AMENDMENT NO. 36
TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 by striking out the word "Section" on line 1 and insert "subsection (a)"

Which was adopted.

MOTION TO RECESS LOST

At 1:03 P.M., Mr. Robertson moved that the Senate take a recess until completion of the Joint Session at 4 o'clock this afternoon, which motion was lost.

Yeas 6; Nays 19.

Yeas: Messrs.: Barron, Goodwin, Keener, Parsons, Robertson, White. —6
Nays:

Messrs.:	Cook	Kirkland	Miller
Bailey	deGraffenried	Lemaster	Mitchem
Britnell	Denton	Little	Proctor
Callahan	Hall	Martin	Smith
Clemon	Higginbotham	McDonald	Taylor

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FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended. The question was on Committee Amendment No. 36, as amended.

Mr. Kirkland offered the following amendment to Committee Amendment No. 36, as amended, to-wit:

AMENDMENT TO COMMITTEE
AMENDMENT NO. 36, AS AMENDED

Amend Senate Bill No. 40 Page 23 & 24 by striking out following the word "Laws." on line 34 and all of lines 35, 36, 37, 38 and on line 39 to the period.

And said amendment was then lost.

Yeas 12; Nays 14.

Yeas:

Messrs.:	Gulledge	Mitchem	Robertson	
Bailey	Hall	Parsons	Vacca	
Cook	Kirkland	Proctor	White	
Goodwin				—12

Nays:

Messrs.:	Denton	Lemaster	St. John	
Britnell	Figures	Little	Smith	
Clemon	Holmes	Martin	Taylor	
deGraffenried	Keener	McDonald		—14

And said Committee Amendment No. 36, as thus amended, was then adopted by the Senate.

Yeas 19; Nays 8.

Yeas:

Messrs.:	deGraffenried	Holmes	Parsons	
Bailey	Goodwin	Kirkland	Proctor	
Barron	Gulledge	Martin	Robertson	
Britnell	Hall	McDonald	Taylor	
Cook	Harrison	Miller	White	—19

Nays:

Messrs.:	Figures	Keener	St. John	
Clemon	Higginbotham	Lemaster	Smith	
Denton				—8

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40, Section 5.07 on page 24 by renaming subsection (e) as subsection (h) and inserting after subsection (d) new subsections (e), (f), and (g) which shall read as follows:

"(e) Conformance with regulations of United States department of defense and laws of United States; administration of military affairs by military department and adjutant general. The legislature, in providing for the organization, equipment, and discipline of the state military forces, shall conform as nearly as practicable to the regulations of the department of defense of the United States, and the laws of the United States, governing the armed forces of the United States. All affairs pertaining to the state military forces shall be administered by a state military department, which shall be headed by the adjutant general, and who shall be responsible to the governor as commander-in-chief.

(f) Appointment, suspension, discharge, removal and retirement of officers of state military forces; qualifications of personnel of federally-recognized national guard. Officers of the state military forces, including the

adjutant general, shall be appointed, and shall be subject to suspension, discharge, removal or compulsory retirement as such, solely on the basis of military proficiency, character and service, as determined by department of defense regulations and military usages sanctioned by the military laws of the United States, anything in this Constitution to the contrary notwithstanding. The qualifications of personnel of the federally recognized national guard shall be as prescribed in pertinent regulations and policies of the United States department of defense.

(g) Appointment of adjutant general, general officers and governor's staff. The governor shall, with the advice and consent of the senate, appoint the adjutant general and all general officers. The governor shall appoint his own staff, as may be provided by law."

Which was adopted.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Denton	Holmes	St. John
Bailey	Goodwin	Keener	Taylor
Barron	Gulledge	Martin	Vacca
Britnell	Hall	Parsons	Weeks
Cook	Harrison	Proctor	White
deGraffenried	Higginbotham	Robertson	—22

Nays: Messrs.: McDonald, Miller, Smith. —3

RECESS

At 1:55 P.M., on motion of Mr. St. John, the Senate took a recess until completion of the Joint Session.

JOINT SESSION

At 2 o'clock P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of meeting with the Alabama Congressional Delegation.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Congressional Delegation was escorted to the rostrum and the meeting proceeded.

The purpose of the Joint Session having been accomplished, the Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 47. Relating to St. Clair County; to amend Section 16 of Act No. 1728, H. 2522 (Acts of Alabama, 1971, p. 2889), relating to the construction, repair and maintenance of roads in St. Clair County and to the duties of the county commission, so as to further provide for the travel expenses of the chairman and the members of the county commission.

Also:

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

Also:

H. J. R. 111. Relative to meeting dates: Thursday, May 17, 1979; Tuesday, May 22, 1979, and Thursday, May 24, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 7. To authorize Calhoun County and each of the municipalities therein which undertake to provide animal control services or programs for the public to establish, fix, and collect reasonable fees, charges, and rates and to enter into contracts, including the leasing of county and/or municipal property, with other political subdivisions or private entities for the operation and maintenance of such services or programs.

Also:

H. 311. Relating to Washington County; further providing for the expense allowances of certain county officers.

Also:

H. 367. To amend Section 1 of Act No. 248, H. 976 of the 1976 Regular Session of the Legislature entitled "An Act Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county" so as to provide further for the salary of said chief deputy.

Also:

H. 368. Relating to Escambia County; to legalize the sale of draft or keg beer or malt beverages.

Also:

H. 563. Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance.

Also:

H. 565. Relating to Washington County; providing further for the expense and mileage allowances of the members of the board of equalization, and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Dial, Turner, Whatley, Holley, Gafford, Wyatt, Hines, Biddle, Ray, Amari, Pegues, Gilmer, Trammell, Cheatwood, Carter, Hammett, Payne, Harper, Cobb, Stewart, Dixon, Zoghby, McKee, Grimsley, Howard, Parker, Williams, Bennett, Johnson (R. G.), Letson, Greer, Shoemaker, Willis, Seibels, Cates, Sasser, Turnham, Bedsole, Campbell, Crow, Mitchell, Cosby, Brakefield, Blake, Reed, Laird, Edwards, Harvey, Grouby, Owens, Carothers, Waggoner and Daniels:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide each county with the option of converting to this system; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local act except in case of Madison County the Director of Motor Vehicle Licensing to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction, and to create a joint legislative committee to oversee the implementation of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 225. To the Committee on Finance and Taxation.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 74. To provide for privileged communications with clergymen.

Also:

S. 351. Relating to Pickens County; to regulate and provide for the payment of compensation of election officers; and to provide for retroactive effect.

Also:

S. 375. Relating to Wilcox County; to authorize and regulate the power of the county commission to construct and maintain roads or drive-ways leading from a public road to the residence of a landowner.

Also:

S. 376. To amend Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), providing an additional expense allowance for the chairman and members of the Wilcox County Commission so as to provide further for such expense allowance.

Also:

S. 377. Relating to Wilcox County; to further authorize and regulate the use of county equipment.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 28.

S. J. R. 37.

Delivered to the Governor, May 15, 1979, at 1:35 P.M.

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S. J. R. 71.

S. B. 42.

S. B. 213.

S. B. 222.

Delivered to the Governor, May 24, 1979, at 1 o'clock P.M.

S. J. R. 17.

S. J. R. 21.

S. J. R. 24.

S. J. R. 26.

S. J. R. 33.

S. J. R. 38.

S. J. R. 40.

S. J. R. 41.

S. J. R. 43.

S. J. R. 69.

S. B. 66.

Delivered to the Governor, May 29, 1979, at 2:15 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. St. John, pending further consideration of S. B. 40, the Senate adjourned until Thursday, May 31, 1979, at 9 o'clock A.M.

FOURTEENTH LEGISLATIVE DAY

THURSDAY, MAY 31, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles Stroud, Pastor, Ridgecrest Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Teague for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

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By Mr. Keener (with notice and proof):

S. 440. Relating to Etowah County; providing for the compensation of the tax assessor.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 440, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Pearson:

S. 441. To amend section 40-23-5 of the Code of Alabama 1975 so as to exempt Junior Achievement, Inc., and affiliates in this state from any state, county or municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 442. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Glass:

S. 444. To provide that no employer may knowingly hire an alien who is not entitled to lawful residence in the United States and provides penalties for violation of this act.

Committee on Business and Labor Relations.

By Mr. Glass:

S. 445. To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

Committee on Governmental Affairs.

By Mr Glass:

S. 446. To amend Act No. 126, H. 58, 1971 Regular Session (1971 Acts, p. 208) entitled "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit," so as to further provide for the distribution of such taxes.

Committee on Local Legislation No. 1.

By Mr. McDonald:

S. 447. To amend Section 15-10-3 of the Code of Alabama 1975, providing for the circumstances when an officer may make an arrest without a warrant for a Class A or B misdemeanor.

Committee on Judiciary.

By Mr. Callahan (with notice and proof):

S. 448. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 448, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Clemon:

S. 449. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

Committee on Judiciary.

By Mr. Callahan:

S. 450. To amend Act No. 765, H. 314, Regular Session 1973, (Acts 1973, p. 1147, now appearing in Code of Alabama Recompiled 1975, Title 32, Sections 32-8-1—32-8-87) entitled "An Act relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notation of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue and to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of the Act" to authorize certain law enforcement officers to examine identification or serial number of certain vehicles.

Committee on Judiciary.

By Mr. Callahan:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribe penalties for violations of this Act.

Committee on Judiciary.

By Mr. Parsons:

S. 452. To amend section 6-5-462 of the Code of Alabama 1975 so as to provide that all claims not of an equitable nature, except for injury to the reputation, survive in favor of and against personal representatives.

Committee on Judiciary.

By Messrs. Holmes and Hall:

S. 453. To amend section 36-25-15 of the Code of Alabama 1975, so as to require financial disclosure from candidates for all elective public office and nominees for appointive public office other than board members.

Committee on Judiciary.

By Messrs. Holmes and Hall:

S. 454. To amend section 36-25-6 of the Code of Alabama 1975, so as to prohibit public officials and employees and their families from accepting a thing of value.

Committee on Judiciary.

By Messrs. Holmes and Hall:

S. 455. To amend section 36-25-7 of the Code of Alabama 1975 so as to prohibit public officials, employees or businesses with which they are associated from accepting fees, salary, wages or other compensation from state, county or municipal instrumentalities of government in the political district in which they reside or were elected.

Committee on Judiciary.

By Messrs. Holmes and Hall:

S. 456. To amend section 36-25-5 of the Code of Alabama 1975, so as to include additional standards of conduct for public officials and employees.

Committee on Judiciary.

By Messrs. Hall and Holmes:

S. 457. To amend Section 36-25-4 of the Code of Alabama 1975 so as to empower the state ethics commission to subpoena witnesses and documents, compel testimony and perform other acts related to taking evidence.

Committee on Judiciary.

By Messrs. Hall and Holmes:

S. 458. To amend section 36-25-10 of the Code of Alabama 1975, so as to prohibit legislators from representing any person, firm or corporation before certain agencies of state government for a fee, reward or other compensation.

Committee on Judiciary.

By Messrs. Hall and Holmes:

S. 459. To amend section 36-25-14 of the Code of Alabama 1975, so as to require additional information regarding financial disclosure from certain public officials and employees.

Committee on Judiciary.

By Messrs. Hall and Holmes:

S. 460. To amend section 36-25-1 of the Code of Alabama 1975, so as to redefine the terms legislative employee, lobbyist, public employee, and public official; and adds a definition of thing of value.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Joint Resolution and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gregg, Hall, Turnham, Albright, Adams (C), Adams (H), Barton, Bedsole, Blake, Buskey, Campbell, Coburn, Cosby, Crow, Daniels, Drinkard, Ford, Gilmer, Grouby, Holley, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Mitchell, Naramore, Penry, Rains, Shavers, Smith (J), Smith (M) and Wyatt:

H. J. R. 166. REQUESTING THE MEMBERS OF CONGRESS TO PROVIDE DISPOSITIONS TO THE STATES OF CERTAIN REVENUE FUNDS.

WHEREAS, PRESIDENT JIMMY CARTER has expressed a strong desire and interest to de-regulate oil and gas prices; and

WHEREAS, it is known that such de-regulations would ultimately result in substantially increased consumer prices of gasoline and other petroleum products, and

WHEREAS, the increase in petroleum product cost would result in substantial gross revenue with little or no increased cost to the petroleum industries and the effect thereof projected to tremendously increase the already record high profits of petroleum companies, and

WHEREAS, the president doubtlessly recognizes their projected increased profits as evidenced by this determination to institute a windfall profits tax, and

WHEREAS, the State of Alabama has found itself in an immediate need of a viable program to repair, maintain and develop her State highway and bridge systems for the safety of her people, and

WHEREAS, such a program would cost tens of millions of dollars to a citizenry who are not only already overburdened with taxes and inflation but further will have to bear the additional burden of increased gasoline prices as a result of de-regulation.

NOW THEREFORE BE IT RESOLVED: That the members of the Alabama House of Representatives, the Alabama Senate, both Houses concurring do hereby encourage the President and Congress of the United States of America to consider the plight of the American people as regards to the de-regulation of gasoline and petroleum products;

FURTHER, BE IT RESOLVED: That the Alabama Legislature does hereby request the Alabama delegation to the House and Senate of Congress take the appropriate steps necessary to insure a portion of the proposed petroleum "windfall profits tax" be returned to the states of America for use within those states to the benefit of their citizens.

FURTHER, BE IT RESOLVED: That a copy of this Resolution be dispatched to United States Senator Donald Stewart, United States Senator Howell Heflin; Congressmen Ronnie Flippo, Jack Edwards, William L. "Bill" Dickinson, Bill Nichols, Tom Beville, John H. Buchanan, and Richard C. Shelby.

FURTHER, BE IT RESOLVED: That to insure the Members of Congress awareness of the intent of this resolution that the resolution be presented for recording in the Congressional Record and a copy be presented to the Office of the President of the United States.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 166, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Seibels, Albright, Amari, Barton, Blake, Bowling, Cheatwood, Cosby, Crow, Drinkard, Grimsley, Horn, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Mitchell, Naramore, Nevett, Olive, Payne, Reed, Smith (M), Tucker, Turnham and Willis:

H. J. R. 167. STATING THE LEGISLATURE'S ENDORSEMENT OF THE CONTINUATION OF THE REVENUE SHARING PROGRAM TO STATE AND LOCAL GOVERNMENTS.

WHEREAS, the Revenue Sharing Program, which has been in effect since 1972, is a fair and equitable means of returning to the various states and localities federal tax monies which may then be allocated according to priorities as determined by the local entities as to degree and order of need; and

WHEREAS, since the program's inception, some \$250 million have been paid to the State of Alabama, almost \$184 million to the counties of our state, and more than \$314 million to the cities and towns in Alabama, for a total to date which approaches \$750 million of our taxpayers' money sent back to Alabama and to our local communities; and

WHEREAS, it now appears there are some moves underway in Washington to terminate the Revenue Sharing Program, or to drastically alter its present structure so that there will be less decision-making locally as to where and how revenue sharing money will be spent; and

WHEREAS, the present Revenue Sharing Program is considered by the Alabama Legislature to be consistent with the democratic process in that it allows decisions to be made by locally elected officials who are in the best position to know the needs of their respective communities; and

WHEREAS, the Revenue Sharing Program has been of tremendous financial assistance to state and local governments and the termination of this program would be a terrible set-back in carrying out the many worthwhile programs which were generated and are operated by these revenue sharing funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, on this 29th day of May, 1979, we do wholeheartedly and unanimously endorse the concept of revenue sharing as it currently operates, and we also highly commend those members of Congress who, through an Act of the Congress, made the Revenue Sharing Program possible.

BE IT FURTHER RESOLVED, That we most strongly urge the President and the Congress to support the continuation of revenue sharing to the state and local governments as the program has in the past, and presently, operates.

RESOLVED FURTHER, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D.C. and all other members of Congress.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 167, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

By Mr. Callahan:

S. 134. To amend Section 40-18-15, Code of Alabama 1975, to allow as a deduction contributions made by individuals for themselves and others under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan, and for themselves, or spouse, to an individual retirement account, annuity or bond and, under simplified pension plans, to individual retirement accounts and annuities of

employees, to further amend Section 40-18-25, Code of Alabama 1975, to exempt from taxation the income (including capital gains) of certain employee benefit trusts forming part of a stock bonus, pension, profit-sharing, employee stock ownership or annuity plan which constitutes a qualified trust and of trusts providing for certain employee welfare plan benefits and of individual retirement income trusts and custodial accounts, and to provide for the "rollover" of distributions to and from such trusts and accounts; to amend Section 40-18-35, Code of Alabama 1975, to allow as a deduction contributions made by corporations (including professional corporations and professional associations) under a stock bonus, pension, profit-sharing, employee stock ownership or annuity plan which constitutes a qualified plan and, under simplified pension plans, to individual retirement accounts and annuities of employees; all as provided by the Internal Revenue Code of 1954 as amended and in force and effect to January 1, 1979 and for all taxable years of such individuals, trusts, accounts, and corporations beginning on and after the effective date of this Act to the extent such deductions, exemptions and "rollovers" are permitted by the Federal Income Tax Law as so amended.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

S. 114. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little (With Substitute):

S. 290. To provide for a 30% discount on utility bills for persons 65 years of age or older.

By Mr. Holmes (With Substitute):

S. 318. To provide for a discount on electric utility bills for certain persons 65 years of age or older.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Biddle:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide

procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Gafford, Pegues, Sasser and Ray:

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

By Rep. Gafford:

H. 37. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

By Rep. Pegues:

H. 67. To abolish the Board of Corrections and transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the penal and correctional institutions of this state; to provide that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; to repeal conflicting laws and specific statutes pertaining to the board of corrections, and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this Act.

By Rep. Manley:

H. 291. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

By Mr. St. John:

S. 30. To repeal section 12-1-6, Code of Alabama 1975, which relates to a procedure by which the Secretary of the Senate and the Clerk of the House of Representatives are required to notify the administrative director of courts of certain legislation pertaining to the judiciary.

By Messrs. Kirkland and Robertson:

S. 143. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 233. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

By Mr. Higginbotham:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland and Proctor (With Amendment):

S. 354. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

By Messrs. Gullledge, Cook and Vacca (With Amendment):

S. 365. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that all city clerks be appointed as deputy registrars.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pegues:

H. 68. To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 393. To amend Sections 7-1 and 7-7 (a)(6) of Title 38 of the Code of Alabama, 1975, and Act No. 174, Acts of Alabama, Third Ex. Session, 1971, to explicitly provide that the Department of Pensions and Security shall not regulate religious instruction in child care facilities.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White and Goodwin (With Amendment):

S. 400. To provide for fulfilling certain continuing education requirements adopted, promulgated and approved by the Alabama real estate commission as a condition prerequisite to the renewal of licenses of real estate brokers and salesmen; to provide for certain exemptions and exceptions; and to provide the Alabama real estate commission with the power and authority to implement the provisions of this Act.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 292. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

By Reps. Carothers, Hines, Gafford and Williams:

H. 135. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than \$5.00 nor more than \$50.00; amends Sections 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$50.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$10.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$25.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00 by increasing the annual registration certificate fee to an amount not less than \$10.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$5.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$25.00 nor more than \$150.00.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Substitute):

S. 323. To provide for regulation of attachments of cable television facilities to poles of telephone and power utilities.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried (With Amendment):

S. 336. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment of recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

By Mr. deGraffenried (With Amendment):

S. 337. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

By Rep. Venable (With Amendment):

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

Mr. Callahan, Vice-Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 69. To provide for the confiscation and sale of seafoods cargos where such cargos have been taken in violation of the laws and regulations pertaining to the harvest of seafoods, and for the disposition of the proceeds of such sales.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes (with notice and proof):

S. 434. To alter the boundary lines of the municipality of Oxford, Alabama.

By Rep. Ray (with notice and proof):

H. 525. To alter, rearrange and extend the boundaries of the City of Brundidge in Pike County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

By Rep. Cobb (with notice and proof):

H. 552. Relating to Marion County; to provide further for the compensation of election officers.

By Rep. Holley (with notice and proof):

H. 604. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Brockton of Coffee County.

By Rep. Dial (with notice and proof):

H. 638. Relating to Clay County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem and Kirkland:

S. 322. To amend the Code of Alabama 1975, § 9-11-54, so as to further define and clarify qualifications for and issuance of disabled lifetime fishing licenses.

By Reps. McMillan, McCorquodale, Biddle, Owens and Smith (C):

H. 233. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

By Reps. Adams (H) and Whatley:

H. 65. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

By Rep. Whatley:

H. 118. To amend Title 2, Section 2-21-24 of the Code of Alabama of 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

By Rep. Letson and Whatley:

H. 71. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to \$10.00.

BILL RETURNED TO REGULAR CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Mr. Holmes:

S. 190. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Cleburne County Board of Education for capital outlay purposes only for the construction and renovation of high schools in Cleburne County.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Richard Arrington to the Board of Trustees of Alabama State University.

On motion of Mr. McDonald, the appointment of Dr. Arrington to the Board of Trustees of Alabama State University was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	McDonald	Smith
Clemon	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White

—27

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Paul Dudley White to the Board of Trustees of Alabama A & M University.

On motion of Mr. McDonald, the appointment of Mr. White to the Board of Trustees of Alabama A & M University was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Barron	Goodwin	Little	Robertson
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
Clemon	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	White

—27

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable R. Lonnie Flippo to the Board of Trustees of the University of North Alabama.

On motion of Mr. Denton, the appointment of Mr. Flippo to the Board of Trustees of the University of North Alabama was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Barron	Harrison	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
Clemon	Holmes	Miller	Taylor
Denton	Keener	Parsons	Vacca
Figures	Lemaster	Proctor	White
Goodwin			

—24

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Billy Don Anderson to the Board of Trustees of the University of North Alabama.

On motion of Mr. Denton, the appointment of Mr. Anderson to the Board of Trustees of the University of North Alabama was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Clemon	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Parsons	White
Figures			

—24

Nays:

—0

RECESS

At 9:58 A.M., on motion of Mr. McDonald, the Senate took a recess until completion of the Joint Session.

JOINT SESSION

At 10 o'clock A.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the address of Dr. Alfred Kahn, adviser to the President.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Dr. Alfred Kahn was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Bill Nichols to the Board of Trustees of Auburn University.

On motion of Mr. Higginbotham, the appointment of Mr. Nichols to the Board of Trustees of Auburn University was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Higginbotham	Miller	
Bailey	Glass	Holmes	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	McDonald	White	
Cook	Harrison			—21

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Colonel Leslie E. Whitehead to the rank of Brigadier General in the Alabama Air National Guard.

On motion of Mr. McDonald, the promotion of Colonel Whitehead to the rank of Brigadier General was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Hall	Little	Robertson
Clemon	Harrison	McDonald	St. John
Figures	Higginbotham	Miller	Taylor
Glass	Holmes	Parsons	White

—19

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 152. EXTENDING AN INVITATION TO MR. ALFRED KAHN, ADVISER TO THE PRESIDENT, TO ATTEND AND ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 153. RECOMMENDING THAT THE STATE DEPARTMENT OF REVENUE ADOPT CERTAIN REGULATIONS PERTAINING TO CURRENT USE VALUATION OF AGRICULTURAL AND FOREST PROPERTY IN THE STATE.

Also:

H. J. R. 154. MOURNING THE UNTIMELY DEATH OF EUGENE CLAY JONES OF OPELIKA.

Also:

H. J. R. 155. MOURNING THE DEATH OF MR. VERLON E. WATERS OF CULLMAN, ALABAMA.

Also:

H. J. R. 159. CONGRATULATING AND COMMENDING MISS TONIA KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

H. J. R. 160. CONGRATULATING AND COMMENDING MISS MOLLY MIZELL, NATIONAL "LITTLE MISS PEANUT."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 83. RECOGNIZING THE KEY UNDERWOOD COON DOG MEMORIAL GRAVEYARD AS A UNIQUE AND WORLD RENOWNED TOURIST ATTRACTION FOR THE STATE OF ALABAMA.

Which was adopted.

Messrs. Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 84. NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

WHEREAS, Ham Wilson has played a leading and dynamic role in the growth and development of the Livestock Industry of Alabama for the past quarter of a century; and

WHEREAS, Ham Wilson has rendered outstanding assistance to the Auburn University School of Agriculture and Extension Service in its growth and development; and

WHEREAS, Ham Wilson is recognized throughout the United States as a leader of the Beef Cattle Industry; and

WHEREAS, Ham Wilson has rendered great and valuable service to agriculture in Alabama that will impact for many years to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Livestock Arena at Auburn University, the "Ham Wilson Livestock Arena."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said arena as the "Ham Wilson Livestock Arena."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Wilson that he may be aware of this honorary designation in appreciation of his contributions to Auburn University and his promotion of the Livestock Industry of Alabama.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 133, on page 10 of the 14th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 133, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. Figures, Smith, Pearson, Clemon, McDonald, and Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 85. COMMENDING AND CONGRATULATING MISS PATRICIA V. McCaulley, ALABAMA'S "MISS BLACK AMERICA" FOR 1979.

WHEREAS, the Legislature of Alabama is pleased to note the selection of Miss Patricia V. McCaulley as our State's "Miss Black America," crowned during the pageant finals held at the Mobile Municipal Theatre on May 27, 1979; and

WHEREAS, the lovely Miss McCaulley is the 18-year old daughter of Mr. and Mrs. O. McCaulley of Huntsville and is a 1979 graduate of Butler High School of that city; her hobbies include skating and sewing and her special talents are in speech and dance, the latter demonstrated by Miss McCaulley in a salute to the late Bill "Bo Jangles" Robinson as her presentation in the talent portion of the competition; and

WHEREAS, as "Miss Black America of Alabama," Patricia McCaulley will serve as our state's representative in the National Miss Black America Pageant to be held in July of this year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly congratulate and commend Patricia V. McCaulley of Huntsville, Alabama's 1979 "Miss Black America" and our representative to the national pageant.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss McCaulley and her parents that they may know of our high praise and best wishes for her every future success.

On motion of Mr. Figures, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 85, on page 32 of the 14th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 85, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR BILLS ON THIRD READING

The Bill:

S. 75. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers, owners of said property and/or bystanders.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Smith
Clemon	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Mitchem	White
Denton	Keener		

—29

Nays: —0

RESOLUTION

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 86. URGING A POLICY FOR THE UNITED STATES THAT PROHIBITS THE SHIPMENT OF AGRICULTURAL SURPLUSES TO THOSE COUNTRIES THAT WOULD CAPITALIZE ON THE OIL SHORTAGES OF OUR NATION.

WHEREAS, it is estimated that some fifty percent of the oil consumed in the United States is imported from OPEC nations of the world; and

WHEREAS, these nations have together instituted the Organization of Petroleum Exporting Countries for the obvious and indefensible purpose of profiting from the oil shortage of the United States; even more reprehensible is the fact that these countries take such action against the United States which supplied most of the technical know-how necessary to sink wells and otherwise devise means for retrieving this valuable and necessary resource, then generously but foolishly allowed the OPEC nations to take over our oil companies; and

WHEREAS, the United States currently shares, as it has traditionally, its agricultural surpluses with those nations in need, including members of the OPEC nations, without exploiting the food shortages of said recipients, either through threat of embargo or by a constant and precipitous rise in price; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most earnestly and urgently request that the President of the United States and the Congress take immediate and all necessary action to adopt a policy for the United States that would prohibit the shipment of agricultural surpluses to any country in the world that would, through individual action or through joint action of conspiracy between one or more nations, exploit our nation's oil shortage in any manner whatsoever.

BE IT FURTHER RESOLVED, That this body is totally and diametrically opposed to a present policy which not only continues to supply the needs of foreign ingrates regardless of their export policy toward the United States, but oftentimes at prices far below those paid by American consumers.

RESOLVED FURTHER, That copies of this resolution be sent to President Carter and to all members of the Alabama Congressional Delegation in Washington, D. C.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

as amended.

Mr. Goodwin requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Page 21 following Line 25, by inserting after the word "thereof" the following words:

"who shall hold office for a term of six years unless sooner removed,"

Which was adopted.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Goodwin	Kirkland	Taylor
Barron	Gulledge	Lemaster	Vacca
Callahan	Hall	Parsons	Weeks
Cook	Harrison	Proctor	White
Glass	Keener		

—17

Nays:

Messrs.:	deGraffenried	Little	Robertson
Bailey	Denton	Martin	St. John
Britnell	Figures	McDonald	Smith
Clemon	Higginbotham	Mitchem	

—14

RECESS

At 12 o'clock Noon, on motion of Mr. St. John, the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 37 TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 24, Article V, Section 5.07(c), on line 25 delete the word "ninety" and insert in lieu thereof the words:

one hundred and eighty

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Britnell	Hall	Little	Taylor	
Callahan	Harrison	Martin	Vacca	
deGraffenried	Higginbotham	Miller	Weeks	
Denton	Keener	St. John	White	
Goodwin	Kirkland			—21

Nays: —0

Mr. Kirkland requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Page 24 by striking out in its entirety sub-section (c) of Section 5.07 of Article V and to re-letter all subsequent sub-sections of this Section.

And said amendment was then lost.

Yeas 7; Nays 23.

Yeas:

Messrs.:	Goodwin	Robertson	White	
Barron	Kirkland	Vacca		—7
Callahan				

Nays:

Messrs.:	Figures	Little	Pearson	
Bailey	Gulledge	Martin	Proctor	
Britnell	Hall	McDonald	St. John	
Clemon	Higginbotham	Miller	Smith	
deGraffenried	Holmes	Mitchem	Taylor	
Denton	Keener	Parsons	Weeks	—23

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that when we adjourn today that we re-convene Tuesday, June 5th, 1979 at 11:00 A.M..

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended.

The Standing Committee on Governmental affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 39
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 25, Article V, Section 5.08, in line 9, after the word "probation.", delete the words "A pardon shall relieve" and delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon.

Which was adopted.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Hall	Martin	Robertson
Bailey	Higginbotham	McDonald	St. John
Barron	Holmes	Miller	Smith
deGraffenried	Kirkland	Mitchem	Taylor
Denton	Lemaster	Parsons	Weeks
Goodwin	Little	Proctor	White

—23

Nays: Messrs.: Clemon, Figures.

—2

Mr. White requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Page 24 Line 22, by inserting after the word session, where it may be amended, approved or disapproved.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Hall	Little	St. John
Barron	Harrison	Martin	Smith
Clemon	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—25

Nays:

—0

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 40
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 to read as follows:

On page 24, Section 5.07 (e), on line 35 after the period add a new sentence as follows:

The writ of election shall be called within thirty days of the vacancy to fill the office for the unexpired term.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Clemon	Higginbotham	Miller	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Proctor	White
Goodwin			

—24

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 41
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 25, Article V, Section 5.09, after line 28 add a new subparagraph (c) as follows:

(c) In the event none of the officers in line for sucession enumerated in subparagraph (b) of this section is able to discharge the duties of governor for any reason whatsoever, the office shall be held and administered by the senior member of the legislature, or if there be two with the same seniority, then the elder in age of the two shall call the legislature into special session to conduct the business of state and to handle the emergency.

On line 29 strike the (c) and insert in lieu thereof (d)

On page 26, line 10, strike (d) and insert in lieu thereof (e)

Which was adopted.

Yeas 17; Nays 4.

Yeas:

Messrs.:	Gulledge	Martin	Taylor
Barron	Hall	Parsons	Vacca
Clemon	Higginbotham	Proctor	Weeks
Denton	Holmes	Robertson	White
Figures	Keener		

—17

Nays: Messrs.: Little, Miller, St. John, Smith. —4

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 42
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 25, Article V, Section 5.09, subsection (b), in line 26, delete the words "speaker of the house of representatives, the president pro" and insert in lieu thereof:

president pro tempore of the senate, the speaker of the house of representatives,

On page 26, Article V, Section 5.09, subsection (c), in line one, delete the words "speaker of the house of representatives" and insert in lieu thereof the words:

president pro tempore of the senate

and in line two delete the words "president pro tempore of the senate" and insert in lieu thereof the words:

speaker of the house of representatives

and in Section 5.09, subparagraph (d), in lines 14 and 15, delete the words "the speaker of the house, the president pro tempore of the senate" and insert in lieu thereof the words:

the president pro tempore of the senate and speaker of the house,

On page 27, Section 5.11, in lines 20 and 21 delete the words "speaker of the house, president pro tempore of the senate" and insert in lieu thereof the words:

president pro tempore of the senate, speaker of the house

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Britnell	Goodwin	Little	Smith
Clemon	Harrison	Martin	Taylor
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Proctor	White

—23

Nay: Mr. Barron.

—1

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 43
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

Section 5.09, on page 26, line 8 delete the words "six months" and insert in lieu thereof the words

ninety successive days

Section 5.10, on page 27, lines 5 and 14, delete the words "six months" and insert in lieu thereof the words

ninety successive days

Which was adopted.

Yeas 18; Nays 6.

Yeas:

Messrs.:	Gulledge	Little	Smith
Britnell	Hall	Martin	Vacca
Cook	Harrison	McDonald	Weeks
deGraffenried	Holmes	Mitchem	White
Denton	Lemaster	Proctor	—18

Nays: Messrs.: Bailey, Barron, Keener, Miller, Robertson, Taylor. —6

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 44
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 27, Section 5.12, on line 32, delete the words "He shall have" and delete lines 33 and 34 in their entirety and insert in lieu thereof the following:

He shall have been a qualified voter of the state of Alabama, and licensed to practice law for three years in this state, and a resident citizen thereof for three years prior to his election.

Mr. Cook offered the following amendment to Committee Amendment No. 44 to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 44
TO S. B. 40, AS AMENDED

Amend S. B. 40, as amended, by striking out the word "three" after the word "for" in line 6 of the committee amendment and inserting in lieu thereof the word "five".

Which was adopted.

And said Committee Amendment No. 44, as thus amended, to the Bill, S. B. 40, as amended, was then adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Bailey	Hall	McDonald	St. John
Barron	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		—29

Nays: —0

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Section 5.09 Subsection (c) on line 6 of GA Committee amendment No. 41 by striking the word "legislature" and inserting therein the words "State Senate".

Which was adopted.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Figures	Parsons	St. John	
Barron	Gulledge	Pearson	Taylor	
Britnell	Hall	Proctor	Weeks	
Callahan	Harrison	Robertson	White	
deGraffenried				—16

Nays:

Messrs.:	Holmes	Little	Miller	
Denton	Keener	Martin	Mitchem	
Goodwin	Lemaster	McDonald	Smith	
Higginbotham				—12

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 45 TO S. B. 40, AS AMENDED

This is an Identical Amendment to Senate Governmental Affairs Committee Amendment No. 34.

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Little requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Page 27, Line 33, by striking out after the word and the following words:

"licensed to practice law"

And in lieu thereof insert the words:

"learned in the law"

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Clemon	Denton	Harrison
Barron	Cook	Gulledge	Holmes
Britnell	deGraffenried	Hall	Keener

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Martin	Parsons	St. John	Vacca	
McDonald	Pearson	Smith	Weeks	
Miller	Proctor	Taylor	White	
Mitchem				—24

Nays: Messrs.: Little, Robertson. —2

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 46
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 27, Section 5.12, after line 34, insert a new sub-paragraph (c) as follows and renumber the subsequent sub-paragraphs as follows:

(c) The secretary of state shall be custodian of the Great Seal of the State, and shall authenticate therewith all official acts of the governor, except his approval of laws, resolutions, appointments to office, and administrative orders, and shall be custodian of public documents. The secretary of state shall keep a register of all official acts of the governor, and when necessary, shall attest them and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when requested to do so. All grants and commissions shall be issued in the name and by the authority of the state of Alabama, signed by the governor, countersigned by the secretary of state and sealed with the Great Seal of the State. The secretary of state shall serve as chief elections officer of the state and shall perform such other duties as may be prescribed by law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Barron	Figures	Martin	Smith	
Britnell	Goodwin	Miller	Taylor	
Callahan	Gulledge	Mitchem	Vacca	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes	Proctor	White	
deGraffenried	Keener			—25

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 47
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

In Article V, Section 5.07, line 26, page 24, after the word "administration." Add the following:

For the purpose of this sub-section the term "executive department" shall not include any other constitutional office nor any departments, bureaus, and agencies whose director or head is appointed by any other constitutional officer or serves at his pleasure.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	Martin	Smith	
Clemon	Higginbotham	Miller	Taylor	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Figures				—28

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 38
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 24, Article V, Section 5.07(c), on line 26 after the word "administration" strike the period and add the following words:

and unless approved by a majority vote in both houses of the legislature.

On Motion of Mr. Smith, said amendment was laid on the table.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 60
TO S. B. 40, AS AMENDED

Strike Senate Governmental Affairs Committee Amendment No. 38 to Senate Bill 40 in its entirety.

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On line 19, Section 3.22, before the word "The" insert (a)

and after line 29 insert new subparagraph (b) as follows:

(b) If the legislature at any regular session fails to pass general appropriation bills as defined in subparagraph (a), the appropriations for the next succeeding fiscal year for such expenses shall be the same as the appropriations in effect at the end of such legislative session, unless thereafter changed by act of the legislature, except that the governor shall have the right to veto any item or items of any appropriation bill embracing distinct items as provided in Article V of this constitution.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons
Barron	Hall	Little	Robertson
Clemon	Harrison	Martin	St. John
Cook	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Mitchem	White
Figures			—24

Nays: —0

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 50
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 29, Article VI, Section 6.01, in line 8 after the words "consist of" add the words:

the senate sitting as a court of impeachment,

and on line 14 after the words "vest in" add the words:

the legislature, its committees and subcommittees and state

and on line 17, before the word "purposes" delete the word "the" and insert the word

their

and after the word "purposes" add a period and delete the remainder of the sentence.

In Section 6.02, in line 19 preceding "(a)" insert the following clause:

Except as provided in subsection 6.01 (a) of this Article,

Strike the word "The" and insert in lieu thereof:

the

On motion of Mr. Cook, said amendment was laid on the table.

Mr. Cook then requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 64, in Article XII, Section 12.01 (b) on line 13, strike out the period at the end of the sentence and add the following:

"sitting as a court of impeachment. When sitting as a court of impeachment, the Senate shall have such judicial power reasonably necessary to carry out this purpose, including the power of subpoena."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons	
Clemon	Hall	Lemaster	St. John	
Cook	Harrison	Little	Smith	
deGraffenried	Higginbotham	McDonald	Taylor	
Denton	Holmes	Miller	White	
Figures	Keener	Mitchem		—22

Nays: —0

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 51
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

Article VI, Section 6.09 (a), on page 32, in line 23, delete the period and insert in lieu thereof a semi-colon and add the following:

provided, however, not more than two members shall be members of the state bar association, nor shall any member be compensated by the state judicial system.

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Cook then requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

Article VI, Section 6.09 (a), on page 32, in line 23, delete the period and insert in lieu thereof a semi-colon and add the following:

provided, however, not more than two members shall be members of the Alabama State Bar, nor shall any member be compensated by the state judicial system.

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Denton	Holmes	Mitchem	
Bailey	Figures	Keener	St. John	
Barron	Goodwin	Kirkland	Smith	
Callahan	Gulledge	Lemaster	Taylor	
Clemon	Hall	Little	Weeks	
Cook	Harrison	McDonald	White	
deGraffenried	Higginbotham	Miller		—26

Nay: Mr. Parsons. —1

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The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 10
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 39, Section 7.02, on line 13 after the word "vote", by deleting the word "until" and lines 14 and 15 in their entirety and insert in lieu thereof the following:

unless he has served the term of his sentence and completed the terms of parole or has been pardoned, or otherwise has his disability removed.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Miller	Smith
Clemon	Harrison	Mitchem	Taylor
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Proctor	White
Denton	Keener		

—25

Nays: —0

Mr. White requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 2, Article I, strike it its entirety Section 1.01 and insert in lieu thereof the following:

Section 1.01 Equality and rights of men. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; among these are life, liberty and the pursuit of happiness.

Mr. Little moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 20.

Yeas:

Messrs.:	Higginbotham	McDonald	Pearson
Clemon	Keener	Miller	Proctor
deGraffenried	Little	Parsons	Smith
Figures			

—12

Nays:

Messrs.:	Denton	Holmes	St John
Bailey	Goodwin	Kirkland	Taylor
Barron	Gulledge	Martin	Vacca
Britnell	Hall	Mitchem	Weeks
Callahan	Harrison	Robertson	White
Cook			

—20

And said amendment to the Bill, S. B. 40, as amended, was then adopted by the Senate.

Yeas 21; Nays 12.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Bailey	Goodwin	Lemaster	Taylor
Barron	Gulledge	Martin	Vacca
Britnell	Hall	Mitchem	Weeks
Callahan	Harrison	Robertson	White
Cook	Holmes		

—21

Nays:

Messrs.:	Higginbotham	McDonald	Pearson
Clemon	Keener	Miller	Proctor
deGraffenried	Little	Parsons	Smith
Figures			

—12

Mr. St. John moved that the Senate reconsider the vote by which the White amendment to the Bill, S. B. 40, as amended, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Mr. Robertson requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Page 4 Line 26, by striking out "The people" after the word "of"—and inserting, "mankind".

On motion of Mr. Martin, said amendment was laid on the table.

Yeas 22; Nays 4.

Yeas:

Messrs.:	Goodwin	Little	Pearson
Clemon	Harrison	Martin	Proctor
Cook	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Mitchem	White
Figures	Kirkland	Parsons	

—22

Nays: Messrs.: Bailey, Barron, Hall, Robertson. —4

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 25 TO S. B. 40, AS AMENDED

Amend S. B. 40, on page 40, Article VIII, Section 8.01, line 11 after the word "whatsoever," insert the following words: nor shall the state be interested in any private or corporate enterprise.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Pearson
Barron	Harrison	Martin	Proctor
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Parsons	White
Goodwin	Kirkland		—21

Nays: —0

Mr. deGraffenried requested that the following Committee testimony, relative to the legislative intent of Committee Amendment No. 25, be spread upon the Journal, to-wit:

Section 8.01 Proposed Constitution—Legislative History.

Question: "Mr. Chairman, I would like to ask Senator Smith, the Chairman of the Constitution and Elections Committee, for his interpretation of Section 8.01 and for the intent of the Legislature as to whether Section 8.01 prohibits retaining investments or future investments in stocks or bonds of private corporations of the funds of colleges, universities, and other state educational institutions; of the State Pension and Retirement Fund; the state insurance fund; and other similar funds; and whether Section 8.01 prohibits state colleges and universities from loaning or granting their funds to students, researchers, or faculty members for educational or research purposes?"

Answer: "It is not the intent of the Legislature in Section 8.01 to prohibit the retention of investments or future investments in stocks or bonds of private corporations of the funds of colleges, universities, or other state educational institutions; of the State Pension and Retirement Fund; of the state insurance fund; and other similar funds; nor is it the intention of the Legislature in Section 8.01 to prohibit state colleges and universities from loaning or granting their funds to students, researchers, or faculty members for educational or research purposes."

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 26
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article VIII, Taxation and Debt Limitation, Section 8.03, State Taxes on Income, Subsection (a), page 40, line 17, by inserting a new sentence following the proposed language to read:

Section 8.03. State Taxes on Income.

(a) A state tax on income may be levied on net income and shall not exceed the rate of five per cent. The revenue from this tax shall be used: (1) to replace the revenue lost to the several funds of the state by reason of homestead exemption, and (2) the residue shall be placed in the state treasury to the credit of the Alabama Special Educational Trust Fund to be used only for the payment of school teachers' salaries.

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Gulledge	Kirkland	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Cook	Higginbotham	McDonald	Taylor
Denton	Holmes	Miller	Vacca
Goodwin	Keener	Parsons	White

—23

Nay: Mr. Smith. —1

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 27
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article VIII, Taxation and Debt Limitation, Section 8.06. Dedicated Funds, page 41, by striking lines 6 through 8 in their entirety and inserting in lieu thereof the following:

Any dedication of taxes for special purposes existing at the time of ratification of this section shall continue until terminated by act of the legislature, except taxes which are dedicated herein shall be changed only by appropriate amendments to the Constitution.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Callahan	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Vacca
Denton	Keener	Parsons	White
Goodwin	Kirkland		

—25

Nay: Mr. Smith. —1

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 28
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article VIII, Taxation and Debt Limitation., Section 8.07. Limitation on State Ad Valorem Taxation., on page 41, by striking lines 10 through 12 in their entirety and inserting in lieu thereof the following:

State ad valorem taxes shall not be levied in excess of six and one-half mills on the assessed value of property in any one taxable year. Revenue from three mills shall be deposited in the state treasury to the public school account and shall be disbursed to the several county and city boards of

education, as may be determined by the State Board of Education, and three and one-half mills shall be used by agencies of the state as may be determined by the legislature.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor	
Bailey	Hall	Little	St. John	
Barron	Harrison	Martin	Taylor	
Britnell	Higginbotham	McDonald	Vacca	
Cook	Holmes	Miller	Weeks	
deGraffenried	Keener	Mitchem	White	
Denton	Kirkland	Parsons		—26

Nays: —0

Mr. White requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended Page 40 by deleting entire article VIII.

On motion of Mr. Martin, said amendment was laid on the table.

Yeas 23; Nays 3.

Yeas:

Messrs.:	Gulledge	Kirkland	Proctor	
Britnell	Hall	Little	St. John	
Cook	Harrison	Martin	Smith	
deGraffenried	Higginbotham	McDonald	Taylor	
Denton	Holmes	Miller	Vacca	
Goodwin	Keener	Mitchem	Weeks	
				—23

Nays: Messrs.: Parsons, Robertson, White. —3

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 29
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 47, Article VIII, Section 8.08 (k), line 35, after the word "educational" insert a comma and the word

cemetery,

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson	
Bailey	Gulledge	Little	St. John	
Britnell	Hall	Martin	Smith	
Callahan	Harrison	McDonald	Taylor	
Clemon	Higginbotham	Miller	Vacca	
Cook	Holmes	Mitchem	Weeks	
deGraffenried	Keener	Parsons	White	
Denton				—28

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 30
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

Amend Senate Bill 40, Article VIII, Section 8.08 (a), page 41, by deleting the words "single-family" on line 21 and the words "owner-occupied" on line 22.

Which was adopted.

Yeas 20; Nays 2.

Yeas:

Messrs.:	Denton	Keener	Parsons	
Bailey	Figures	Kirkland	St. John	
Barron	Goodwin	Little	Taylor	
Britnell	Gulledge	Martin	Weeks	
Cook	Holmes	Mitchem	White	
deGraffenried				—20

Nays: Messrs.: Higginbotham, McDonald. —2

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 62
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 41, in Section 8.08, line 21, after the word "forest" insert a comma and strike the word "and" and after the word "single" delete the hyphen and insert "and multiple".

In line 22 delete the word "owner-occupied".

And repeal Senate Governmental Affairs Committee Amendment No. 30 to Senate Bill 40.

Which was adopted.

Yeas 25; Nays 4.

Yeas:

Messrs.:	Denton	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Vacca
Callahan	Higginbotham	Miller	Weeks
Cook	Holmes	Mitchem	White
deGraffenried	Keener		

—25

Nays: Messrs.: Figures, McDonald, Parsons, Smith. —4

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 31
TO S. B. 40, AS AMENDED

Amend S. B. 40, Article VIII, Section 8.11, page 52, line 18, as follows:

Section 8.11. Procedures for Issuance of Securities by Counties and Municipalities.

No county, city or town shall issue any interest bearing security having a stated maturity later than one year after its date and evidencing indebtedness subject to the limitation prescribed by Section 8.10 of the Constitution unless (a) notice of the general purpose, maximum principal amount, and maximum term of such indebtedness is given by publication in a newspaper (if any) having general circulation in such county or municipality, as the case may be, not later than twenty days prior to the date such security is finally approved, (b) except in the case of a security sold by competitive bids in the manner provided by general law, the rate of interest to be borne by such security and the purchase price thereof is approved twice at a meeting or adjournment of the same meeting of the governing body of such county or municipality at an interval of not less than seven days or once unanimously by all members of such governing body, (c) notice of final approval and of the general purpose, principal amount, maturity and applicable interest rate of such security is given by publication in a newspaper (if any) of the type described above, and (d) if demanded by a petition signed by qualified electors of such county or municipality in number not less than ten percent of the electors registered to vote in county or municipal elections and filed with such governing body not later than ten days after the aforesaid publication of notice of final approval, the issuance of such security is approved by a majority of the electors of such county or municipality, as the case may be, voting at an election held in the manner provided by general law. Final approval of a security shall be deemed to occur when the interest rate and purchase price applicable thereto are fixed.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	Denton	Harrison
Bailey	Clemon	Goodwin	Higginbotham
Barron	Cook	Gulledge	Little
Britnell	deGraffenried	Hall	Martin

Miller	Robertson	Taylor	Weeks	
Mitchem	St. John	Vacca	White	
Pearson	Smith			—25
<i>Nays:</i>				—0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 61
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article VIII, page 41, line 5, by adding the following:

"Section 8.06 Public School Fund.

There is hereby created a Public School Fund which shall be apportioned to the several counties of the state in proportion to the number of school children from six (6) to nineteen (19) years of age.

The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this state or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations, and shall be deposited to the account of the Public School Fund.

Furthermore, all lands or other property given by individuals, or appropriation by the state for educational purposes, and all estates of deceased persons who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools and shall be deposited to the account of the Public School Fund.

Also, all income arising from the Sixteenth Section Trust Fund shall be deposited to the account of the Public School Fund.

And the income from the 3 mill State ad valorem taxes shall be applied to the Public School Fund for the support and maintenance of public schools." and re-numbering the following Sections accordingly.

On motion of Mr. Martin, consideration of Committee Amendment No. 61 was postponed temporarily.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 57
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 57, Article IX, add a new section as follows:

Section 9.09. Payment of State License Tax, etc., Not to Excuse Payment of Other Privilege and License Taxes.

The legislature shall not enact any law which will permit any person, firm, corporation, or association to pay a privilege, license, or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the state.

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Renumber subsequent sections accordingly.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Parsons	
Bailey	Figures	Kirkland	St. John	
Britnell	Goodwin	Little	Taylor	
Callahan	Gulledge	Martin	Vacca	
Clemon	Harrison	Miller	White	
Cook	Higginbotham	Mitchem		—22

Nays: —0

Mr. White requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended Page 57 Line 11, by striking out the words "and its police jurisdiction"

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Higginbotham	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
deGraffenried	Lemaster	Proctor	White	
Goodwin	Little			—25

Nays: Messrs.: Denton, Robertson. —2

Mr. Pearson requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40, as follows:

On pages 55 and 56, delete Section 9.04 in its entirety and renumber the remaining sections accordingly, and

On page 57, Section 9.05, line 5 delete the words "or a home rule charter" and on line 6 delete the words "its charter".

Which was adopted.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Callahan	deGraffenried	Gulledge
Bailey	Clemon	Denton	Harrison
Britnell	Cook	Figures	Higginbotham

Holmes	Martin	Proctor	Taylor
Keener	Miller	Robertson	Vacca
Kirkland	Mitchem	St. John	Weeks
Lemaster	Parsons	Smith	White
Little	Pearson		

—29

Nay: Mr. Barron.

—1

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 23 TO SENATE BILL 40,
AS AMENDED

Amend S. B. 40 as follows:

Article X, on pages 59, 60 and 61, strike Section 10.04 (a), (b), (c) and (d) in their entirety and insert in lieu thereof the following:

10.04. (a) Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from each of the congressional districts in the state, and one member from the state-at-large, and the state superintendent of education, and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of eight years, and until their successors shall be appointed and qualified. One term in each congressional district shall expire each four years.

(b) Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until the next meeting of the legislature.

(c) The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

Mr. Holmes offered the following substitute for Committee Amendment No. 23 to the Bill, S. B. 40, as amended, to-wit:

SUBSTITUTE FOR COMMITTEE AMENDMENT NO. 23
TO SENATE BILL 40, AS AMENDED

Amend S. B. 40 as follows:

Article X, on pages 59, 60 and 61, strike Section 10.04 (a), (b), (c) and (d) in their entirety and insert in lieu thereof the following:

10.04. (a) Auburn University shall constitute a public corporation and instrumentality of the state and shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from each of the congressional districts in the state, and one member from the state-at-large, and the state superintendent of education,

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and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified.

(b) Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until the next meeting of the legislature.

(c) The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

Which was adopted.

Mr. Little moved that said Committee Amendment No. 23, as thus amended, be laid on the table, which motion was lost.

Yeas 6; Nays 24.

Yeas:

Messrs.:	Cook	Kirkland	White	
Barron	Harrison	Little		—6

Nays:

Messrs.	Figures	Lemaster	Proctor	
Bailey	Goodwin	Martin	Robertson	
Britnell	Gulledge	McDonald	St. John	
Callahan	Hall	Miller	Smith	
Clemon	Holmes	Mitchem	Taylor	
deGraffenried	Keener	Parsons	Weeks	
Denton				—24

And said Committee Amendment No. 23, as thus amended, to the Bill, S. B. 40, as amended, was then adopted by the Senate.

Yeas 27; Nays 4.

Yeas:

Messrs.:	Figures	Martin	Robertson	
Bailey	Goodwin	McDonald	St. John	
Britnell	Gulledge	Miller	Smith	
Callahan	Hall	Mitchem	Taylor	
Clemon	Holmes	Parsons	Vacca	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
				—27

Nays: Messrs.: Barron, Cook, Harrison, Little. —4

MOTION TO ADJOURN LOST

At 5:15 P.M., Mr. Goodwin moved that the Senate adjourn until Tuesday, June 5, 1979, at 11 o'clock A.M., which motion was lost.

Yeas 5; Nays 27.

Yeas: Messrs.: Barron, Goodwin, Kirkland, Robertson, White. —5

Nays:

Messrs.:	Figures	Lemaster	Pearson
Bailey	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Clemon	Harrison	McDonald	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks

—27

MOTION TO RECONSIDER

Mr. Holmes moved that the Senate reconsider the vote by which Committee Amendment No. 23, as amended, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 40

The Senate then proceeded to further consideration of Committee Amendment No. 61, to the Bill, S. B. 40, as amended.

On motion of Mr. Cook, said amendment was laid on the table.

The Standing Committee on Governmental Affairs reported the following amendment to the bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 64 TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 58, Article X, Section 10.03, in line 37, after the word "state," add the words:

one member from the site of any autonomous university operated by the Board of Trustees,

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Denton	Keener	Parsons
Bailey	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Weeks
Clemon	Higginbotham	Miller	White
Cook	Holmes	Mitchem	

—26

Nay: Mr. deGraffenried. —1

Mr. Clemon requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as amended as follows:

On page 58, Article X, after Section 10.04 (d) insert a new section as follows:

Board of Trustees for Alabama A & M University.

(a) Alabama A & M University shall be under the management and control of a board of trustees which shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state, the state superintendent of education and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate and, except for the first trustees appointed, shall hold office for a term of four years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one third may be chosen quadrennially. Of the first members appointed to the board, one third shall be appointed for terms of two years, one third for terms of three years and one third for terms of four years.

(b) Any vacancy in the office of trustee occurring during the recess of the legislature shall be filled by appointment of the governor. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term.

(c) The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Alabama A & M University shall be eligible to serve on its board of trustees.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Denton	Martin	Proctor
Bailey	Figures	McDonald	Robertson
Barron	Hall	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Vacca
Clemon	Lemaster	Pearson	Weeks
deGraffenried	Little		

—25

Nay: Mr. Harrison.

—1

Mr. Clemon then requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as amended as follows:

On page 58, Article X, after Section 10.04 (d) insert a new section as follows:

Board of Trustees for Alabama State University.

(a) Alabama State University shall be under the management and control of a board of trustees which shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state, the state superintendent of education and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate and, except for the first trustees appointed, shall hold office for a term of four years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one third may be chosen quadrennially. Of the first members appointed to the board, one third shall be appointed for terms of two years, one third for terms of three years and one third for terms of four years.

(b) Any vacancy in the office of trustee occurring during the recess of the legislature shall be filled by appointment of the governor. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term.

(c) The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Alabama State University shall be eligible to serve on its board of trustees.

Which was adopted.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Denton	Lemaster	Pearson
Bailey	Figures	Little	Proctor
Barron	Gulledge	Martin	Robertson
Britnell	Hall	McDonald	Taylor
Callahan	Holmes	Miller	Vacca
Clemon	Keener	Mitchem	Weeks
deGraffenried	Kirkland	Parsons	White

—27

Nay: Mr. Harrison.

—1

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40, as amended by inserting a new Section immediately following Section 10.04:

"Section Board of Trustees for the University of South Alabama.

"(a) The University of South Alabama shall constitute a public corporation and instrumentality of the state. It shall be under the management and control of a board of trustees. The Board shall consist of three members from Mobile County, three members from the state at large, the state

superintendent of education, ex officio, the governor, who shall be ex officio president of the Board, and one from each of the following districts: First district, comprising Baldwin and Escambia counties, Second district, comprising Choctaw, Clark, and Washington counties, Third district, comprising Marengo and Sumter counties, Fourth district, comprising Monroe and Wilcox counties, Fifth district, comprising Dallas and Lowndes counties, Sixth district, comprising Butler, Conecuh and Covington counties, Seventh district, comprising Coffee and Crenshaw counties, Eighth district, comprising Dale and Geneva counties, and the Ninth district, comprising Henry and Houston counties. The members of the Board of Trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as herein after required.

"(b) The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of twelve years, and until their successors be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially.

"(c) Vacancies occurring in the office of trustee from death or resignation, and the vacancies regularly occurring by expiration of the term shall be filled by the governor and the appointee shall hold office until the next meeting of the legislature. Successors to those trustees, whose terms expire during an interim shall hold office for the full term unless they are rejected by the senate.

"(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as a trustee."

Renumber the remaining sections in the proper numerical sequence.

Which was adopted.

Yeas 18; Nays 2.

Yeas:

Messrs.:	deGraffenried	Kirkland	Proctor
Barron	Denton	Little	Robertson
Britnell	Gulledge	Miller	Taylor
Callahan	Holmes	Mitchem	White
Clemon	Keener	Parsons	

—18

Nays: Messrs.: Harrison, McDonald. —2

Mr. Robertson requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as amended as follows:

On page 58, Article X, after Section 10.04 (d) insert a new section as follows:

Board of Trustees for Livingston University.

(a) Livingston University shall be under the management and control of a board of trustees which shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state, the state superintendent of education and the governor, who shall be ex officio president of the board. The trustees shall

be appointed by the governor, by and with the advice and consent of the senate and, except for the first trustees appointed, shall hold office for a term of four years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one third may be chosen quadrennially. Of the first members appointed to the board, one third shall be appointed for terms of two years, one third for terms of three years and one third for terms of four years.

(b) Any vacancy in the office of trustee occurring during the recess of the legislature shall be filled by appointment of the governor. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term.

(c) The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Livingston University shall be eligible to serve on its board of trustees.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Messrs.:	deGraffenried	Little	Smith	
Barron	Denton	Miller	Taylor	
Britnell	Figures	Mitchem	Vacca	
Callahan	Gulledge	Parsons	Weeks	
Clemon	Holmes	Proctor	White	
Cook	Keener	Robertson		—22

Nay: Mr. Harrison. —1

Mr. Proctor requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 61, line 18, by inserting the following new section:

Section 10.06. Board of Trustees of the University of Montevallo.

The University of Montevallo, formerly known as Alabama College, shall constitute a public corporation and instrumentality of the State. It shall be under the management and control of a board of trustees, selected according to law. No trustee shall receive any pay or emolument other than actual expenses incurred in the discharge of his or her duties as such. No employee of the University of Montevallo shall be eligible to serve as a trustee.

Also:

Amend Senate Bill 40 by inserting a new Section 10.05 on page 61, line 7 immediately following Section 10.04:

"Section 10.05 Board of Trustees for Jacksonville State University.

"(a) Jacksonville State University shall constitute a public corporation and instrumentality of the state. It shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as they existed in 1967, the state superintendent of education and the governor, who shall be ex officio president of the board.

"(b) The trustees shall be appointed by the governor, by and with the advice and consent of the senate and, shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. The members of the Board of Trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as provided herein.

"(c) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharges of his or her duties as such."

Further amend said bill by renumbering the remaining sections in the proper numerical sequence.

Also:

Amend S. B. 40 as follows:

On page 58, Article X, after Section 10.04 (d) insert a new section as follows:

Board of Trustees for Troy State University.

(a) Troy State University shall be under the management and control of a board of trustees which shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state, the state superintendent of education and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate and, except for the first trustees appointed, shall hold office for a term of 12 years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one third may be chosen quadrennially. Of the first members appointed to the board, one third shall be appointed for terms of four years, one third for terms of eight years and one third for terms of 12 years.

(b) Any vacancy in the office of trustee occurring during the recess of the legislature shall be filled by appointment of the governor. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term.

(c) The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Troy State University shall be eligible to serve on its board of trustees.

Also:

Amend S. 40 as follows:

On page 61, Article X, after line 6, add a new section as follows:

There is hereby created a board of trustees for the University of North Alabama, the state educational institution at Florence, Alabama. The board of trustees shall consist of six members who are residents of the seventh and eighth congressional districts, at least two of whom shall be residents of the county in which the institution is located, and three members from the state at large, the state superintendent of education and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate and, except for the first trustees appointed, shall hold office for a term of 12 years and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Of the first members appointed to the board, one-third shall be appointed for terms of four years, one-third for terms of eight years and one-third for terms of 12 years. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of the university shall be eligible to serve on its board of trustees.

Any vacancy in the office of trustee, occurring during the recess of the legislature, shall be filled by appointment of the governor. Such appointee shall hold office until the next session of the legislature, when the vacancy shall be filled by the governor by and with the consent of the senate. A trustee appointed to fill a vacancy by the governor, by and with the consent of the senate, shall hold office during the unexpired term.

The board of trustees herein created for the University of North Alabama shall have exclusive jurisdiction, supervision and control of the University of North Alabama, except as otherwise herein provided. In addition to the powers, duties and authority hereinabove vested in the board of trustees, such board shall have and exercise all power, authority and duties heretofore conferred on, vested in or required of the state board of education under any laws of this state with regard to the supervision, management and control of such university except as otherwise herein provided.

Also:

Amend S. 40, as amended as follows:

On page 61, Article X, after line 6, add a new section as follows:

(a) The University of North Alabama shall constitute a public corporation and instrumentality of the state. It shall be under the management and control of a board of trustees which consists of six members who are residents of the fourth and fifth congressional districts, at least two of whom shall be residents of the county in which the institution is located, and three members from the state at large, the state superintendent of education, and the governor, who shall be ex-officio president of the board.

(b) The board of trustees shall be appointed by the governor, by and with the consent of the senate, and shall hold office for a term of twelve years, and until their successors be appointed and qualified.

(c) Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until

the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required.

(d) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of the University of North Alabama shall be eligible to serve on its board of trustees.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Messrs.:	deGraffenried	Little	Smith
Barron	Denton	Miller	Taylor
Britnell	Figures	Mitchem	Vacca
Callahan	Gulledge	Parsons	Weeks
Clemon	Holmes	Proctor	White
Cook	Keener	Robertson	

—22

Nay: Mr. Harrison. —1

Mr. deGraffenried requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 59, Article X, after subsection (d), add a new subsection as follows:

The permanent site of the principal campus of the University of Alabama shall forever remain in Tuscaloosa, Alabama.

And said amendment was then lost.

Yeas 8; Nays 16.

Yeas:

Messrs.:	Kirkland	Miller	Robertson
deGraffenried	Little	Proctor	Weeks
Holmes			

—8

Nays:

Messrs.:	Denton	McDonald	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Harrison	Parsons	Vacca
Clemon	Lemaster	St. John	White
Cook			

—16

Mr. Little requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend the Holmes Substitute for Senate Governmental Affairs Committee Amendment No. 23 to Senate Bill 40 by inserting the following as subsection (d) and renumbering (d) as (e):

The following shall be non-voting Ex Officio members of the board of trustees; the President of the Student Government Association, the Chairman of the University Senate and the President of the Alumni Association.

And furthermore amend new subsection (e) of the Holmes Substitute for Senate Governmental Affairs Committee Amendment No. 23 to Senate Bill 40 by deleting the period after the word "trustees" on the last line and add the following words:

Except as an Ex Officio Member.

Which was adopted.

Yeas 15; Nays 5.

Yeas:

Messrs.:	Hall	Lemaster	Parsons	
Barron	Harrison	Little	Taylor	
Britnell	Holmes	Miller	Vacca	
Gulledge	Kirkland	Mitchem	White	—15

Nays: Messrs.: Cook, McDonald, Proctor, Robertson, Weeks. —5

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 16 TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 62, by deleting in Section 11.02, in line 17 the words "whose civil and political rights have not been restored" and insert in lieu thereof the words:

who has not been certified by law as provided by the legislature.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.	Denton	Lemaster	Smith	
Barron	Figures	McDonald	Taylor	
Britnell	Hall	Miller	Vacca	
Clemon	Higginbotham	Mitchem	Weeks	
Cook	Keener	Parsons	White	
deGraffenried	Kirkland	Proctor		—22

Nays: —0

Mr. Hall requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40, Section 11.01 by striking on line 12, page 62 the words "The legislature may by general law provide that" and insert in lieu of these words the word "all".

Further amend on line 14 of the same page by striking the word "do" and inserting in its place the word "are".

Further amend on line 14 of the same page by inserting the word "holders of" in place of the word "hold".

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Parsons	
Barron	Hall	Little	Taylor	
Britnell	Higginbotham	McDonald	Weeks	
Cook	Holmes	Miller	White	
deGraffenried	Keener	Mitchem		—18

Nays: —0

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 17
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, on pages 62 and 63, by deleting Section 11.03 in its entirety and insert in lieu thereof the following:

Section 11.03. Compensation of Public Officers.

(a) The rate of compensation of any officer holding any civil office of profit under this state, or any county thereof, who is elected or appointed for a fixed term, whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment, shall not be increased or diminished, during the term for which he shall have been elected or appointed, either by the imposition of new, different, and additional duties, or otherwise.

(b) Nor shall the expense allowance of any state or county officer be increased or decreased during his term except by general law applying to all similar officers.

(c) Any increase or decrease in the compensation of any state, county or municipal officers who are members of any court, board, commission, council or similar body, whose terms do not run concurrently, shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

(d) Notwithstanding the provisions of this section, the legislature may by general law provide for adjustments, up or down, in the compensation and expense allowance of state, county and municipal officers based on appropriate cost-of-living criteria.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John	
Barron	Gulledge	Lemaster	Smith	
Britnell	Hall	Little	Taylor	
Cook	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
Denton	Keener			—21

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 18
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article XI, Section 11.04, page 63 on line 13, after the word "appointed" delete the comma, and insert in lieu thereof a period and delete the remainder of line 13, and lines 14, 15, and 16.

Which was adopted.

Yeas 20; Nays 4.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons	
Britnell	Harrison	Little	Proctor	
Callahan	Holmes	Martin	St. John	
Cook	Keener	McDonald	Smith	
Denton	Kirkland	Mitchem	Weeks	
Figures				—20

Nays: Messrs.: Barron, deGraffenried, Robertson, White. —4

RECESS

At 6:15 P.M., on motion of Mr. McDonald, the Senate took a recess until 6:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 11
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 64, Section 12.01, sub-section (e) after line 34 by adding a new sentence as follows:

no person shall be convicted by such special tribunal without the concurrence of at least two-thirds of the seven judge tribunal.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons	
Bailey	Figures	Kirkland	Proctor	
Barron	Gulledge	Little	Smith	
Britnell	Hall	Martin	Taylor	
Clemon	Higginbotham	McDonald	Weeks	
Cook	Holmes	Mitchem	White	
deGraffenried				—24

Nays: —0

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40, as amended, removing in Article XIII, Sections 13.01, 13.02 in their entirety and on lines 26 through 29 of Section 13.04, remove word "initiative" wherever it may appear.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 26; Nays 6.

Yeas:

Messrs.:	Denton	Kirkland	Parsons
Bailey	Figures	Lemaster	Pearson
Barron	Hall	Little	Proctor
Britnell	Harrison	Martin	Robertson
Clemon	Higginbotham	McDonald	Smith
Cook	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	—26

Nays: Messrs.: Callahan, Gulleddge, St. John, Vacca, Weeks, White. —6

Mr. St. John requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 by deleting Article XIII in its entirety and inserting in lieu thereof the following:

ARTICLE XIII
INITIATIVE

Section 13.01 Power of Initiative.

The people may propose the repeal and enactment of laws by the initiative.

Section 13.02 Initiative.

(a) The people may propose that a law be repealed or enacted by the legislature by filing with the secretary of state a petition containing the full text of the proposal. Such petition must be signed by registered voters equal in number to at least three per cent of the total number of registered voters in Alabama, provided that there shall be a minimum number of signatures from each congressional district in the state equal to two per cent of the total number of registered voters within each district. If the proposal is not enacted into law at the next ensuing regular session of the legislature, then signatures of additional registered voters on the petition equal in number to an additional five per cent of the total number of registered voters shall be needed to place the question of the adoption of the proposal before the people provided that there shall be a minimum number of signatures of additional registered voters from each congressional district in the state equal to an additional two per cent of the total number of registered voters within each district. If a petition containing such additional signatures is filed within six months after the end of the session, the proposal shall be submitted to the

voters at the first general election held not less than thirty days after the petition containing such additional signatures is filed. No proposal shall be submitted to the voters until more than three years after a substantially similar proposal has been rejected by the voters.

(b) A proposal submitted by the initiative to an election shall be submitted to the voters by a ballot title which shall contain a summary or short statement clearly indicating the effect of the law. It shall be the duty of the secretary of state having the advice and consultation of the attorney general to prepare such statement in non-prejudicial language.

(c) Any initiative proposal submitted to the voters shall become law only when approved by a majority of the votes cast thereon and shall take effect thirty days after the date of the vote thereon, unless the proposal itself otherwise provides.

(d) The initiative shall not be used to enact laws making or repealing appropriations of public funds, dedicating revenues, recalling of elected officials, creating courts or defining their jurisdiction or prescribing their rules, naming or designating any person to hold a public office, or to enact, amend, repeal or abrogate special laws, local laws, or any law which by its terms and effect does not apply to the entire state, or any law the terms or provisions of which have been or may be made applicable by local referendum to any area less than the entire state, or any law regulating or prohibiting traffic in liquor or alcoholic beverages.

(e) No law adopted by the initiative under this section shall be repealed or amended by the legislature within a period of three years of adoption except by a vote of two-thirds of all the members elected to each house.

Section 13.03 Initiative Procedures.

The legislature shall implement the provisions of this article and shall provide procedures for determining the validity and sufficiency of initiative petitions.

Mr. Barron offered the following amendment to the St. John amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO ST. JOHN AMENDMENT TO S. B. 40, AS AMENDED

Amend the St. John Amendment to Senate Bill No. 40, as amended, Page 2, Line 26, by inserting Section 13.03 as follows and renumbering Section 13.03 to Section 13.04:

Section 13.03 Recall

All elected public officials in the state may be subject to recall by the voters of the state or of the political subdivision from which elected."

Mr. St. John moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 18.

Yeas:

Messrs.:
Britnell
Callahan
Clemon

Figures
Gulledge
Harrison
Keener

McDonald
Mitchem
St. John

Vacca
Weeks
White

REGULAR SESSION
14th Day

525

Nays:

Messrs.:	Denton	Lemaster	Parsons
Bailey	Hall	Little	Proctor
Barron	Higginbotham	Martin	Robertson
Cook	Holmes	Miller	Smith
deGraffenried	Kirkland		Taylor

—18

And said Barron amendment to the St. John amendment was then lost.

Yeas 13; Nays 19.

Yeas:

Messrs.:	Hall	Little	Robertson
Bailey	Holmes	Martin	Smith
Barron	Kirkland	Proctor	Taylor
deGraffenried	Lemaster		

—13

Nays:

Messrs.:	Denton	Keener	Pearson
Britnell	Figures	McDonald	St. John
Callahan	Gulledge	Miller	Vacca
Clemon	Harrison	Mitchem	Weeks
Cook	Higginbotham	Parsons	White

—19

Mr. Clemon moved that the Senate reconsider the vote by which the Barron amendment to the St. John amendment was lost, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Mr. Parsons offered the following amendment to the St. John amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO ST. JOHN AMENDMENT
TO S. B. 40, AS AMENDED

Amend the St. John amendment to S. B. 40, as amended, by inserting after the word petitions, on line 29 of page 2 the following," any initiator whether an individual or corporation shall pay the cost incident to the initiative process, as the legislature may provide. The initiator shall first post bond in an amount set by the Legislature."

On motion of Mr. St. John, said amendment was laid on the table.

And said St. John amendment was then adopted by the Senate.

Yeas 26; Nays 6.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Bailey	Figures	Martin	Smith
Britnell	Gulledge	McDonald	Taylor
Callahan	Harrison	Miller	Vacca
Clemon	Higginbotham	Mitchem	Weeks
Cook	Holmes	Parsons	White
deGraffenried	Keener	Pearson	

—26

Nays:

Messrs.:	Hall	Little	Robertson	
Barron	Lemaster	Proctor		—6

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 48
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

Article XIII, Section 13.02 (b), on page 66, lines 34-38, to read as follows:

Section 13.02. Initiative.

(b) A proposal submitted by the initiative to an election shall be submitted to the voters by a ballot title which shall contain a summary or short statement clearly indicating the effect of the law. It shall be the duty of the secretary of state having the advice and consultation of the attorney general to prepare such statement in non-prejudicial language.

On motion of Mr. Smith, said amendment was laid on the table.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 53
TO S. B. 40, AS AMENDED

Amend S. 40, Article XIII, Section 13.02, Initiative, subsection (a), found on page 66, beginning with line 8, as follows:

(a) The people may propose that a law be repealed or enacted by the legislature by filing with the secretary of state a petition containing the full text of the proposal. Such petition must be signed by registered voters electors equal in number to at least ten three per cent of the total number of registered voters in Alabama, votes cast for governor in the last preceding gubernatorial general election, provided that there shall be a minimum number of signatures from each congressional district in the state equal to two per cent of the total number of registered voters votes cast for governor in the last preceding gubernatorial general election within each district. If the proposal is not enacted into law at the next ensuing regular session of the legislature, then signatures of additional electors registered voters on the petition equal in number to an additional fifteen five per cent of the total number of registered voters votes cast for governor in the last preceding gubernatorial general election shall be needed to place the question of the adoption of the proposal before the people, provided that there shall be a minimum number of signatures of additional registered voters electors from each congressional district in the state equal to an additional two per cent of the total number of registered voters votes cast for governor in the last preceding gubernatorial general election within each district. If a petition containing such additional signatures is filed within six months after the end of the session, the proposal shall be submitted to the voters at the first general election held not less than thirty days after the petition containing such additional signatures is filed. No proposal shall be submitted to the voters until more than three years after a substantially similar proposal has been rejected by the voters.

On motion of Mr. Smith, said amendment was laid on the table.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 54
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 67, in Article XIII, Section 13.03, in line 23 add a new sentence as follows:

The legislature shall establish percentages which shall apply equally to all voting places in each political subdivision.

On motion of Mr. Smith, said amendment was laid on the table.

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 55
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 67, Article XIII, Section 13.03, in line 21 after the word "state" delete the words:

" , except judges,"

On motion of Mr. Smith, said amendment was laid on the table.

Mr. Bailey requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, deleting sections 13.02 and 13.03.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 16; Nays 13.

Yeas:

Messrs.:	Hall	Lemaster	Parsons
Barron	Holmes	Little	Proctor
Clemon	Keener	Martin	St. John
deGraffenried	Kirkland	McDonald	Smith
Figures			

—16

Nays:

Messrs.:	Cook	Mitchem	Vacca
Bailey	Gulledge	Robertson	Weeks
Britnell	Harrison	Taylor	White
Callahan	Miller		

—13

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Sec. 13.02, Line 17 of the St. John Amendment by striking out the word "three" and inserting the word "five" in lieu of; also on line 19 by striking out the word "two" and inserting the word "four" in lieu of; also on line 23 by striking out the word "five" and inserting the word "ten" in lieu of.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 19; Nays 7.

Yeas:

Messrs.:	Harrison	McDonald	Proctor
Barron	Keener	Miller	Robertson
deGraffenried	Kirkland	Mitchem	St. John
Denton	Little	Parsons	Smith
Hall	Martin	Pearson	Taylor

—19

Nays:

Messrs.:	Callahan	Holmes	Weeks
Bailey	Gulledge	Vacca	White

—7

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 12
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

On page 68 delete Section 14.01 in its entirety and insert in lieu thereof the following:

Section 14.01. Eminent Domain. In proceedings for the taking of property for public use, the right of appeal from any preliminary assessment of damages may not be denied, but such appeal shall not deprive the condemnor of a right of entry, provided an adequate bond shall have been given, in not less than double the amount of the damages assessed, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall, on demand of either party, be determined by a jury according to law.

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Holmes	Mitchem	Vacca
Clemon	Keener	Parsons	White
Cook	Kirkland		

—25

Nays: Messrs.: McDonald, Weeks.

—2

Mr. Hall requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended, Page 68 Line 15, by inserting the word law:

"It shall be the obligation of the state or any political subdivision or any authority invoking eminent domain to pay the reasonable cost of legal obligations in all courts.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 18; Nays 8.

Yeas:

Messrs.:	Gulledge	Little	St. John
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton	Kirkland	Proctor	

—18

Nays:

Messrs.:	Figures	McDonald	Robertson
Bailey	Hall	Pearson	
Clemon	Keener		

—8

Mr. Callahan requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40 on page 68, line 28 by inserting the following new Section 14.04:

"Section 14.04. Validation of certain acts enacted before January 13, 1978.

"(a) Any statute otherwise valid and constitutional when enacted by the Legislature of this state before January 13, 1978, and which was a general act of local application based on a population classification that applied only to a certain county or counties or a municipality or municipalities of this State, shall not be declared invalid or unconstitutional by any court of this State because of non-compliance with the provisions or requirements of Section 105 or Section 106 of the Constitution of 1901.

"(b) All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population.

"(c) The population based acts referred to above shall be amended or the provisions thereof modified, altered, or abrogated only by acts which are properly advertised and adopted as local laws in accordance with the provisions of this Constitution."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Bailey	Harrison	McDonald	St. John
Britnell	Higginbotham	Mitchem	Smith
Callahan	Holmes	Parsons	Taylor
Clemon	Keener	Pearson	Weeks
deGraffenried	Kirkland	Proctor	White
Denton	Little		

—25

Nays:

—0

Mr. Bailey requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 68, Article 14, after line 27 add a new section as follows:

The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of peanuts and cotton. The legislature may provide for the promotion of peanuts and cotton and peanut and cotton products by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of peanuts and cotton may by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of peanuts and cotton for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of peanuts and cotton. Provided, no assessment levied hereunder shall exceed two dollars (\$2.00) per ton on any peanuts and fifty cents (\$.50) per bale on any cotton sold by producers thereof. The legislature may make provisions for the nonpayment of assessments by peanut and cotton producers, and shall make provisions for the refund of assessments to any peanut and cotton producer who does not desire to participate in any assessment program. The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of peanuts and cotton and peanut and cotton products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of peanuts and cotton. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall

further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this constitution or any provision thereof. Any uniformity requirements of this constitution shall be satisfied by the application of the program upon peanuts and cotton.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—25

Nay: Mr. Barron. —1

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 13
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Section 14.02, page 68, line 18 by deleting all of the section after the word "beauty".

Which was adopted.

Yeas 21; Nays 3.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Bailey	Harrison	Martin	Smith
Barron	Higginbotham	McDonald	Taylor
Britnell	Holmes	Mitchem	Weeks
Cook	Keener	Pearson	White
Denton	Kirkland		

—21

Nays: Messrs. Figures, Hall, Robertson. —3

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 14
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 68, by adding the following new section:

Section 14.04. Promotion of Economic Growth

It shall be the policy of the state to promote job opportunities through economic growth.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Gulledge	Lemaster	Robertson	
Barron	Hall	Little	Smith	
Britnell	Harrison	Mitchem	Taylor	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Pearson	White	
Denton	Keener			—25

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 15
TO S. B. 40, AS AMENDED

Amend Senate Bill 40, Article XIV as follows:

On page 68, after Section 14.04 add a new section as follows:

Section 14.05. Foreign Corporations Doing Business in the State.

No foreign corporation shall do any business in this state without having at least one known place of business and an authorized agent or agents therein, and without filing with the secretary of state a certified copy of its articles of incorporation or association. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the state. The legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this state. Strictly benevolent, educational, or religious corporations shall not be required to pay such a tax.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Kirkland	Smith	
Barron	Hall	Lemaster	Taylor	
Britnell	Harrison	Little	Vacca	
Cook	Higginbotham	Mitchem	Weeks	
deGraffenried	Holmes	Parsons	White	
				—23

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 49
TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

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Article XV, Section 15.02, on page 70, lines 6-11, to read as follows:

Section 15.02. Form of the Ballot.

The ballot submitting an amendment to the constitution shall contain a summary or short statement clearly indicating its effect. It shall be the duty of the secretary of state having the advice and consultation of the attorney general to prepare such statement in non-prejudicial language.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Harrison	Martin	Smith
Britnell	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White

—27

Nays: —0

The Standing Committee on Governmental Affairs then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 63
TO S. B. 40, AS AMENDED

Amend S. B. 40 as follows:

On page 70, Article XV, Section 15.03 (a), in line 13 after the words "by a" insert the word

majority

and delete the words "of three-fifths"

Mr. Kirkland moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 21.

Yeas:

Messrs.:	Barron	Parsons	White
Bailey	Kirkland	Robertson	

—6

Nays:

Messrs.:	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Cook	Harrison	McDonald	Taylor
deGraffenried	Higginbotham	Miller	Vacca
Denton	Holmes	Mitchem	Weeks
Figures	Keener		

—21

And said Committee Amendment No. 63, was then adopted by the Senate.

Yeas 23; Nays 6.

Yeas:

Messrs.:	Figures	Keener	Mitchem
Britnell	Gulledge	Lemaster	St. John
Clemon	Hall	Little	Smith
Cook	Harrison	Martin	Taylor
deGraffenried	Higginbotham	McDonald	Vacca
Denton	Holmes	Miller	Weeks

—23

Nays: Messrs.: Bailey, Barron, Kirkland, Parsons, Robertson, White. —6

Mr. White requested and received unanimous consent to offer the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended Page 73 in Section 2 after the words Section 2. , all of line 3, 4, 5 and line 6 down to the period and inserting in lieu thereof the following:

election upon the proposed amendment shall be on the date of the next statewide general in this state.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 19; Nays 12.

Yeas:

Messrs.:	Figures	Martin	Proctor
Clemon	Hall	McDonald	St. John
Cook	Higginbotham	Miller	Smith
deGraffenried	Keener	Parsons	Taylor
Denton	Little	Pearson	Weeks

—19

Nays:

Messrs.:	Gulledge	Kirkland	Robertson
Bailey	Harrison	Lemaster	Vacca
Barron	Holmes	Mitchem	White
Britnell			

—12

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

COMMITTEE AMENDMENT NO. 52 TO S. B. 40, AS AMENDED

Amend Senate Bill 40 as follows:

Transition Schedule, page 72, add the following:

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Section 7. Nothing in this constitution shall impair or prohibit the ability of the legislature to pass legislation pursuant to the following amendments to the Constitution of 1901. Nor shall anything in this constitution be deemed to prohibit that which has been authorized by these amendments: 201, 214, 315, and 327.

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Vacca
Clemon	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
deGraffenried	Kirkland	Proctor	—32
Denton	Lemaster		

Nays: —0

Messrs. Robertson and Bailey offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. 40 as follows:

On page 72, "Transition Schedule," after line 36 add a new section as follows:

The provisions of all amendments to the Constitution of 1901, which apply to any political subdivision of this state, shall continue in force and effect until such provisions are amended or repealed by act of the legislature.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 26; Nays 5.

Yeas:

Messrs.:	Gulledge	Little	Proctor
Britnell	Harrison	Martin	St. John
Callahan	Higginbotham	McDonald	Smith
Clemon	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks
Figures	Lemaster	Pearson	—26

Nays: Messrs.: Bailey, Barron, Hall, Robertson, White. —5

Mr. Lemaster offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, as amended Page 21 Following Line 25, by offering a substitute amendment for the Goodwin Amendment as follows:

who shall hold office for a term as designated by the legislature.

Mr. White moved that said amendment be laid on the table, which motion was lost.

Yeas 15; Nays 17.

Yeas:

Messrs.:	Gulledge	Keener	Proctor
Barron	Hall	Kirkland	Vacca
Callahan	Harrison	Miller	Weeks
Cook	Higginbotham	Parsons	White

—15

Nays:

Messrs.:	Denton	Martin	Robertson
Bailey	Figures	McDonald	St. John
Britnell	Holmes	Mitchem	Smith
Clemon	Lemaster	Pearson	Taylor
deGraffenried	Little		

—17

On motion of Mr. Lemaster, further consideration of his amendment was indefinitely postponed.

Mr. Britnell offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. 40, Article III, Section 3.25, Appropriations to Charitable Institutions, found on page 14, line 28 by adding the following sentence:

No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

On motion of Mr. Pearson, said amendment was laid on the table.

And said Bill, S. B. 40, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 28; Nays 4.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Clemon	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Pearson	White
Figures			

—28

Nays: Messrs.: Barron, Callahan, Parsons, Robertson.

—4

By unanimous consent, the names of Messrs. Cook, Hall, Denton, Britnell, Miller, Holmes, and Bailey were added as co-sponsors of the Bill, S. B. 40, as amended.

ADJOURNMENT

At 10:37 P.M., on motion of Mr. Pearson, the Senate adjourned until Tuesday, June 5, 1979, at 3 o'clock P.M.

FIFTEENTH LEGISLATIVE DAY

TUESDAY, JUNE 5, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Ray Stover, Associate Pastor, Memorial Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Clemon for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton

S. 461. To provide that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Little and Higginbotham (with notice and proof):

S. 462. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 462, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. deGraffenried (with notice and proof):

S. 463. To provide that the City of Tuscaloosa shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the Corporate Limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 463, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison:

S. 464. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 465. To exempt the Terry Veazey Evangelism Ministries, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 236, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 31st day of May, 1979.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 236 without my signature and approval and with the following suggested Executive Amendment.

Amend Section 4 (b) by deleting lines 25 and 26 in their entirety and inserting in lieu thereof the following:

"this state shall not be subject to said excise tax, but such tax shall accrue or be collected on native farm wines dis-"

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 236, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 70, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 61, Nays 8.

And said Bill, H. 236, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 236, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Higginbotham	Parsons	Vacca	
Cook	Holmes	St. John	White	
Figures	Keener			—21

Nays: —0

Abstaining: Mr. Barron. —1

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 225. To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 46. NAMING THE HEALTH, PHYSICAL EDUCATION AND RECREATION BUILDING AT SNEAD STATE JUNIOR COLLEGE THE "EMMETT PLUNKETT-LURLEEN B. WALLACE GYMNASIUM."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 82. EXPRESSING THE LEGISLATURE'S CONCURRENCE WITH THE RECENT COURT DECISION ORDERING THE RELOCATION OF TVA ADMINISTRATIVE HEADQUARTERS FROM KNOXVILLE, TENNESSEE, TO THE MUSCLE SHOALS AREA OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 388. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

By Rep. Owens:

H. 390. To make appropriations for the support and maintenance of the Talladega College.

Also:

By Rep. Owens:

H. 391. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

By Rep. Owens:

H. 392. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

Also:

By Rep. Owens:

H. 389. To make appropriations for the support and maintenance of the Tuskegee Institute.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 388, 390, 391, 392, and 389. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (with notice and proof):

H. 613. Relating to Mobile County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 613, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 612. Relating to Mobile County; to abolish the hunting of wild turkeys in the Fall months.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 612, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Sandusky (with notice and proof):

H. 621. Relating to Mobile County; to provide for an increase in funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 621, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Crow (with notice and proof):

H. 671. Relating to Calhoun County; to amend section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809) which relates to the composition of the civil service board of Calhoun County, so as to further provide for membership in said board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 671, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Crow (with notice and proof):

H. 670. Relating to Calhoun County; to amend section 7 of Act No. 384, H. 946, Regular Session 1969 (Acts 1969, p. 754) relating to applicants for employment in the sheriff's department, so as to further provide for application procedures with the civil service board of Calhoun County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 670, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 660. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body if requested; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 660, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 659. To authorize the establishment of branch banks in Macon County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 659, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 658. Relating to Macon County; providing further for the advertisement of notice of intention to apply for passage of local laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 658, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 657. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the streets or sidewalks or private property within the City of Tuskegee to be a public nuisance, and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 657, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 644. To alter, rearrange and extend the boundaries and corporate limits of the Town of Odenville, St. Clair County, Alabama, so as to annex certain territory to the town.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 644, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (C) and Whatley (with notice and proof):

H. 606. Relating to Russell County; to increase the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 606, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Brakefield and Naramore (with notice and proof):

H. 603. Relating to Walker County; to allow tax assessment on a year-round basis and to require the probate judge to make available to the tax assessor any deed recording transaction within 30 days of the recording date.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 155. To change the compensation of the probate judge of Shelby County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 155, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ford:

H. 305. To amend Section 8 of Act No. 138, S. 1 of the 1978 Second Special Session (Acts 1978, p. 1883) which section prescribes the use of bond proceeds, issued by the Alabama Public School and College Authority, for elementary-secondary school systems for capital improvements and educational purposes, so as to further prescribe the use of funds for Etowah County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 613, 612, 621, 671, 670, 660, 659, 658, 657, 644, 606, 603, and 155. To the Committee on Local Legislation No. 1.

H. B. 305. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 350. Relating to Pickens County; to regulate and provide for the payment of expense allowance of jurors; and to provide for retroactive effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 350, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 350

In Section 4, page 1, line 31 delete the word "is" and insert in lieu thereof this

In Section 5, page 1, line 33 after the first word on the line "upon" delete the word "it" and insert in lieu thereof its

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Robertson	White	
Denton	Kirkland			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 145. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, May 24, 1979, we adjourn to meet again on Tuesday, May 29, 1979, and when we adjourn on Tuesday, May 29, we adjourn to meet again on Thursday, May 31, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 145, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 387. To provide that legislative appropriations for the fiscal year ending September 30, 1980 to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the Universities and therefore insurance companies are prohibited from applying or taking here account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 387. To the Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. St. John and Robertson (With Amendments):

S. 316. To amend Sections 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, and 5530 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Coburn and Goodwin (with notice and proof):

H. 632. To provide for a referendum in any city in the State of Alabama which has a population of less than twenty thousand (20,000) and which elected to abandon the commission form of government and return to the mayor-council form of government since January 1, 1975, but was denied approval of the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 USC § 1973 (c) due to the objection that aldermen are elected at large; to provide for the electorate of such city to choose between the commission form of government and the mayor-council form of government; to provide for the ballots to be used in any such referendum; to provide for an election of commissioners or a mayor and aldermen depending upon which form of government receives a majority of the votes at said referendum; to provide for the election of a President of the Board of Commissioners, a Commissioner of Streets, and a Police Commissioner who would designate the place for which such person is a candidate; to provide for the terms of office of said commissioners; to provide for a method of fixing the salaries of the commissioners; to provide for the election of one alderman for each ward by the electorate of such ward and the election of a mayor by the electorate of the city at large with the mayor to serve as the president of the council; to provide for the terms of office of the aldermen and mayor; and to provide for a method of fixing the salaries of the aldermen and mayor.

BILLS PLACED ON CONSENT CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Smith:

S. 173. To amend Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement.

By Mr. Smith (C), et al:

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

By Rep. Carter (With Amendment):

H. 188. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

By Mr. Higginbotham:

S. 239. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

By Messrs. Kirkland and Mitchem:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

By Messrs. Smith and McDonald:

S. 267. To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

By Mr. Parsons (With Substitute):

S. 158. To require group health insurance policies and contracts to provide benefits for the care and treatment of alcoholism in licensed or certified programs.

By Rep. Carothers, et al:

H. 200. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

MOTIONS IN WRITING

Mr. Barron offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 37, on page 58 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate offered said Bill, H. B. 37, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 237, on page 48 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 237, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Mr. Britnell offered the following Senate Resolution, to-wit:

S. R. 87. HONORING RICHIE HOOD, CRIMSON TIDE BASKETBALL STAR.

Which was adopted.

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 88. COMMENDING COMMANDER JUSTICE BIGBEE OF THE VETERANS OF FOREIGN WARS STATE ORGANIZATION.

WHEREAS, Justice Bigbee, Houston County native and longtime resident of Dothan, Alabama, is a retired Chief Petty Officer of the United States Navy whose service to his country included three tours of duty to Viet Nam; and

WHEREAS, in 1969-70, while serving as Commander of Wiregrass Post Number 3073 of the VFW, Justice Bigbee was named one of the twenty most outstanding post commanders in the United States, a most signal honor in view of the fact that there are some 3,000 VFW posts throughout the nation; and

WHEREAS, he served in 1970 and 1971 as State Chief of Staff for the Alabama VFW and was elected state Junior Vice Commander for the 1976-77 year; as a result of his performance, he was elected to serve as state Senior Vice Commander and was then elected by delegates at the state convention to serve as Commander from July 1, 1978 to July 1, 1979; and

WHEREAS, during Commander Bigbee's tenure, it is to be noted that state membership in the VFW has exceeded all records, surpassing the previous all-time high by some 1,000 members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Commander Justice Bigbee of Dothan, Alabama, for outstanding achievement and for his many contributions of leadership in the Veterans of Foreign Wars, on both the local and statewide level.

BE IT FURTHER RESOLVED, That Commander Bigbee receive a copy of this resolution as a token of our deep appreciation, admiration and esteem.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 434. To alter the boundary lines of the municipality of Oxford, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Hall	Parsons	Teague	
Callahan	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 525. To alter, rearrange and extend the boundaries of the City of Brundidge in Pike County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Pearson	
Bailey	Goodwin	Martin	Proctor	
Barron	Gulledge	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Cook	Holmes	Mitchem	Teague	
Denton	Keener	Parsons	Weeks	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 552. Relating to Marion County: to provide further for the compensation of election officers.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	Weeks	
Figures	Little	St. John	White	
Glass	Martin			—25

Nays: —0

The Bill:

H. 604. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Brockton of Coffee County.
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Robertson	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Gulledge	Parsons	Taylor	
Callahan	Hall	Pearson	Teague	
Cook	Holmes	Proctor	Weeks	
Denton	Keener			—25

Nays: —0

The Bill:

H. 638. Relating to Clay County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Harrison	Parsons	Weeks	
Cook	Holmes	Proctor	White	
deGraffenried	Kirkland			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 166. REQUESTING THE MEMBERS OF CONGRESS TO PROVIDE DISPOSITIONS TO THE STATES OF CERTAIN REVENUE FUNDS.

Also:

H. J. R. 167. STATING THE LEGISLATURE'S ENDORSEMENT OF THE CONTINUATION OF THE REVENUE SHARING PROGRAM TO STATE AND LOCAL GOVERNMENTS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 173. To amend Article XII of Section 41-18-1 of the Code of Alabama 1975 relating to the Southern Growth Policies Agreement so as to add the Commonwealth of Puerto Rico and the territory of the Virgin Islands of the United States to the jurisdictions that are eligible parties to the agreement.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Holmes	Miller	Teague
Britnell	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster	St. John	White
Glass	Little		

—25

Nay: Mr. Hall.

—1

The Bill:

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	Cook	Denton
Bailey	Britnell	deGraffenried	Figures

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Glass	Kirkland	Proctor	Teague
Hall	Lemaster	St. John	Vacca
Higginbotham	Little	Smith	Weeks
Holmes	Martin	Taylor	White
Keener	Parsons		

—25

Nays: —0

The Bill:

S. 76. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

was taken up.

On motion of Mr. Proctor, consideration of said Bill, S. B. 76, was indefinitely postponed.

The Bill:

H. 188. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 188, to-wit:

COMMITTEE AMENDMENT TO H. B. 188

Amend House Bill 188 on page 2, Section 2, by inserting on line 28, after the words "sued, which sum shall be retained by him.", the following:

"Each \$1.50 retained by the probate judge shall be paid into the public highway and traffic fund of the county; except that, in counties where the probate judge is compensated by fees,"

Further amend House Bill 188 on page 2, Section 2, by deleting the uppercase letter "T" in the word "Two" on line 28 and inserting in lieu thereof the lowercase letter "t".

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Higginbotham	Martin	St. John
Britnell	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Taylor
Denton	Kirkland	Parsons	Vacca
Goodwin	Little	Robertson	White
Hall			

—20

Nay: Mr. Teague. —1

And said Bill, H. B. 188, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Higginbotham	Martin	Teague
deGraffenried	Holmes	McDonald	Vacca
Denton	Keener	Mitchem	White
Glass			

—24

Nays: Messrs.: Barron, Parsons.

—2

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

ALBERT McDONALD,
Chairman.

MOTION IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 15, on page 15 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 15, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 239. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

was taken up.

On motion of Mr. Higginbotham, consideration of said Bill, S. B. 239, was postponed until the Seventeenth Legislative Day.

The Bill:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
deGraffenried	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 267. To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Higginbotham	Parsons	Teague	
Britnell	Holmes	Proctor	Vacca	
Callahan	Keener	Robertson	Weeks	
deGraffenried	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 158. To require group health insurance policies and contracts to provide benefits for the care and treatment of alcoholism in licensed or certified programs.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 158, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 158

A BILL
TO BE ENTITLED
AN ACT

To require group health insurance policies, and contracts and plans to provide offer benefits for the care and treatment of alcoholism in licensed or certified programs. and to provide for minimum levels of benefits when such coverage is elected.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication here otherwise, be given the following respective interpretations herein:

“Alcoholism” means a chronic disorder or illness in which the individual is unable, for psychological or physical reasons, or both, to refrain from the frequent consumption of alcohol in quantities sufficient to produce intoxication and, ultimately, injury to health and effective functioning.

“Group policy” means a health insurance policy or contract issued on a group or blanket or franchise or association basis which is subject to provisions of the Alabama Insurance Code.

“Detoxification” means supervised physical withdrawal from alcohol.

“Inpatient treatment” for alcoholism means care provided in a licensed hospital and is normally limited to detoxification where severe medical or psychiatric complications are present or may be anticipated.

“Short term residential alcoholism treatment” means a state certified facility which provides structured programs of intensive treatment services for people addicted to alcohol. Services may include supervised withdrawal from alcohol, backup emergency medical services for persons whose physical condition necessitates medical care, psychological and social evaluation, nutritional stabilization through proper dietary services, individual counseling, family counseling, referral to other providers who can provide additional services for continuity of care, aftercare, and followup.

“Outpatient treatment” means treatment rendered in a non-residential setting and using an intermittent, periodic schedule of visits.

Section 2. Policies, and Contracts and Plans Affected by Act. No group health insurance policy or contract which is subject to provisions of the Alabama Insurance Code which provides hospital or medical expense benefits No group, blanket, franchise or association health insurance policy providing coverage on an expense incurred basis, nor group, blanket, franchise or association service or indemnity type contract issued by a non-profit corporation, nor group-type self insurance plan providing protection, insurance or indemnity against hospital, medical or surgical expenses, nor health maintenance organization plan shall be issued, delivered, issued executed, or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance after ninety (90) days beyond the effective date of this Act, unless such policy, or contract or plan specifically at the option of the policyholder or sponsor includes and provides benefits to any insured, subscriber or other person covered under the policy, or contract or plan for expenses incurred in connection with the treatment of alcoholism when such treatment is prescribed by a duly licensed doctor of medicine.

Section 3. Benefits Required.—The benefits to be provided offered under this Act by a group health insurance policy or contract shall include inpatient or residential treatment rendered to the insured, subscriber, or other person covered, at a state licensed hospital or at a short term residential alcoholism treatment facility or detoxification facility duly licensed or certified as such by the Alabama Board of Health or the Alabama Mental Health Board.

Benefits shall also include outpatient treatment rendered to the insured, subscriber or other person covered, by a duly licensed doctor of medicine or by an alcoholism treatment facility duly licensed or certified as such by the Alabama Board of Health or the Alabama Mental Health Board.

Section 4. Extent of Coverage Required.—The When benefits to be are provided under this Act by a group health insurance policy or contract the benefits shall provide for a minimum of thirty days of inpatient treatment or its equivalent per calendar year with the equivalency to be computed based on a formula which equates two (2) days of treatment in a short term residential alcoholism treatment facility to one (1) day of inpatient treatment and which equates three (3) sessions of outpatient treatment by a licensed doctor of medicine or alcoholism treatment facility to one (1) day of inpatient treatment.

No policy may reduce benefits for alcoholism below the level otherwise provided for other forms of sickness.

Section 5. Inconsistent Laws.—All laws or provisions of law in conflict herewith are repealed insofar as they may be inconsistent with the provisions of this Act.

Section 6. Severability Clause.—If any provision of this Act or the application thereof is held invalid, such invalidity shall not effect the other provisions or applications of this Act.

Section 7. Effective Date of Act.—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Glass	Keener	St. John
Bailey	Gulledge	Kirkland	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Mitchem	Vacca
Callahan	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Proctor	White
Denton			

—24

Nays: —0

And said Bill, S. B. 158, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Glass	Keener	St. John
Bailey	Gulledge	Kirkland	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Mitchem	Vacca
Callahan	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Proctor	White
Denton			

—24

Nays: —0

The Bill:

H. 200. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	Mitchem	Weeks	
Callahan	Harrison	Proctor	White	
deGraffenried	Holmes	St. John		—22

Nays:

—0

RESOLUTION

Messrs. Mitchem, deGraffenried, and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 89. ENCOURAGING THE MENTAL HEALTH DEPARTMENT OF THE STATE OF ALABAMA TO IMPLEMENT A PILOT PROGRAM THROUGH WHICH ALL STATE SUPPORTED INSTITUTIONS IN TUSCALOOSA COUNTY WILL PURCHASE HOMEGROWN FOODS DIRECTLY FROM ALABAMA FARMERS.

WHEREAS, there exists a vital need to provide improved markets for small farmers in Alabama which would in turn boost production of Alabama homegrown food and thereby support a stronger local economy; and

WHEREAS, there is also a need to provide a means to enable the public institutions in our state to serve fresher and therefore higher quality foods; and

WHEREAS, as there is a concentration of state-supported boarding facilities such as the University of Alabama, Bryce Hospital and Partlow State School located in Tuscaloosa County, said county would serve as an excellent test area for the state to implement a pilot program through which state-supported institutions would purchase homegrown foods directly from Alabama farmers; and

WHEREAS, with such a program to begin August 1, 1979, continuing through the 1979 growing season, or approximately November, 1979, adequate time would be given to prove either the success or failure of such a program; and

WHEREAS, the Director of the Mental Health Department of Alabama, has pledged that his department will make every effort to give such a program a fair and impartial trial by cooperating with the farmers and making every effort to see that meal planning is altered to include as much fresh, homegrown produce and other foods as possible that will be purchased through local farmers' cooperatives; and

WHEREAS, the Mental Health Department also would closely monitor said program for the purpose of providing the Alabama Legislature with a full report as to the success or failure of such a plan and with recommendations to implement the program on a permanent basis should it prove successful to both the farmers and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Mental Health Department of the State of Alabama to implement a pilot program to operate August 1, 1979, through November, 1979, in Tuscaloosa County, through which all state supported institutions in said county will purchase homegrown foods directly from Alabama farmers.

BE IT FURTHER RESOLVED, That the Director of the Mental Health Department closely monitor said program and report his findings to the Legislature prior to the tenth day of the 1980 Regular Session with recommendations for implementing such a plan on a permanent basis should the above mentioned pilot program prove beneficial to all concerned.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Mental Health Department of Alabama and a copy to Mr. Charles Norton, Director of the Agricultural Marketing Project, Tuscaloosa, Alabama.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 236. To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 90. RESOLVED BY THE SENATE That the following business in the order named be the special paramount and continuing order of business immediately upon the adoption of this resolution for the 15th Legislative Day, taking precedence over all other business and the regular order of business:

Bill No.	Page	Description
H. B. 324	12	Appropriations State Funds
S. B. 289	30	Fin. Dir., trans. of cert. state assets in ins. fund
S. B. 288	30	Inv. of St. ins. fund
S. B. 247	17	Hwy. Beautification Act
S. B. 220	7	Real Estate Commission
S. B. 314	39	Crim. Code, Amended, deadly phys. force
S. B. 37	7	Left turn on red under cert. conditions
S. B. 20	3	Reg. of sale of cert. school courses
And said Resolution, S. R. 90, was then adopted by the Senate.		

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 225. To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

Also:

S. J. R. 46. NAMING THE HEALTH, PHYSICAL EDUCATION AND RECREATION BUILDING AT SNEAD STATE JUNIOR COLLEGE THE "EMMETT PLUNKETT-LURLEEN B. WALLACE GYMNASIUM."

Also:

S. J. R. 82. EXPRESSING THE LEGISLATURE'S CONCURRENCE WITH THE RECENT COURT DECISION ORDERING THE RELOCATION OF TVA ADMINISTRATIVE HEADQUARTERS FROM KNOXVILLE, TENNESSEE, TO THE MUSCLE SHOALS AREA OF ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MOTION IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 291, on page 59 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 291, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 525. To alter, rearrange and extend the boundaries of the City of Brundidge in Pike County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

Also:

H. 552. Relating to Marion County; to provide further for the compensation of election officers.

Also:

H. 604. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Brockton of Coffee County.

Also:

H. 638. Relating to Clay County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

Mr. Pearson offered the following amendment to the Bill, H. B. 324, to-wit:

AMENDMENT TO H. B. 324

Amend H. B. 324, Section 1, line 29, by striking therefrom the figure "650,000" and inserting in lieu thereof "850,000".

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Gulledge	Kirkland	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	McDonald	Taylor
Callahan	Higginbotham	Parsons	Teague
Denton	Holmes	Pearson	Vacca
Glass	Keener	Proctor	White
Goodwin			—24

Nay: Mr. Robertson.

—1

Mr. Pearson then offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324, AS AMENDED

Amend H. B. 324, Section 1, by inserting after line 34, the following:

For the Office of Secretary of State

For development of records management system

and related equipment purchases 25,000

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Pearson
Bailey	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	Robertson
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	White
			—31

Nays:

—0

Mr. Pearson then offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. 324, AS AMENDED

Amend H. 324 on page 1, Section 1, between line 34 and 35 add the following:

For the Alabama Department of Forensic
Sciences:

For a new morgue and partial lab
facilities in southwest Alabama 205,000

(This appropriation is conditional on the condition of the state treasury
and approval of the Governor.)

Which was adopted.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Smith	
Britnell	Gulledge	Mitchem	Taylor	
Callahan	Higginbotham	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Kirkland			—29

Nay: Mr. Hall. —1

Mr. Cook offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324, AS AMENDED

Amend House Bill No. 324, as amended, Page 1 Line 19, by striking out
"State Board of Corrections" after the word "the"

and inserting in lieu thereof "State Department of Corrections"

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson	
Bailey	Gulledge	Martin	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Harrison	Miller	Teague	
Callahan	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
deGraffenried	Keener	Pearson	White	
Denton	Kirkland	Proctor		—32
Glass	Lemaster			

Nays: —0

Messrs. Mitchem and Little offered the following amendment to the Bill,
H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324, AS AMENDED

In the title, page 1, line 14 strike the period, and add the following language: and the next fiscal year if necessary.

At the end of Section 1, page 1, line 35, before Section 2, insert the following language and figures:

Alabama State Steer Show \$6,900

For Fiscal Year Ending September 30, 1979 and any of said appropriation not expended in said time period may be carried over to the next fiscal year.

Which was adopted.

Yeas 30; Nays 1.

Yeas:

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Cook	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Figures	Kirkland	Pearson		—30

Nay: Mr. Hall.

—1

Messrs. Mitchem and Little then offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324, AS AMENDED

At the end of Section 1, page 1, line 35, before Section 2, insert the following language and figures:

Foreign Trade Relations Commission \$10,000

For Fiscal Year Ending September 30, 1979 and any of said appropriation not expended in said time period may be carried over to the next fiscal year.

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Glass	Lemaster	Smith	
Bailey	Goodwin	Little	Taylor	
Callahan	Harrison	Martin	Teague	
Cook	Higginbotham	McDonald	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Figures	Kirkland	Proctor		—26

Nay: Mr. Hall.

—1

Mr. Glass offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324, AS AMENDED

Amend House Bill No. 324, as amended, by inserting a new line item,

"For transfer to the Department of Conservation, a conditional appropriation for the acquisition of property at the west end of Dauphin Island
..... \$1,500,000.00

Which was adopted.

Yeas 18; Nays 9.

Yeas:

Messrs.:	deGraffenried	Harrison	Martin	
Bailey	Denton	Holmes	Mitchem	
Barron	Glass	Kirkland	Vacca	
Callahan	Goodwin	Lemaster	Weeks	
Cook	Gulledge	Little		—18

Nays:

Messrs.:	Higginbotham	Pearson	Smith	
Figures	Keener	St. John	White	
Hall	Parsons			—9

Mr. Vacca offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324, AS AMENDED

Amend House Bill No. 324, as amended, by adding the following:

Conditional Appropriation \$300,000.00 for Capital Improvements at Boys Industrial School Roebuck. Department of Youth Services.

Which was adopted.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Denton	Keener	Robertson	
Bailey	Figures	Kirkland	Taylor	
Britnell	Glass	Lemaster	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Cook	Hall	Parsons	White	
deGraffenried	Holmes	Proctor		—22

Nays: Messrs.: Higginbotham, Little, St. John. —3

Mr. Little moved that the Senate reconsider the vote by which the Glass amendment to the Bill, H. B. 324, was adopted.

On motion of Mr. Kirkland, the motion to reconsider was laid on the table.

Yeas 19; Nays 15.

Yeas:

Messrs.:	deGraffenried	Holmes	Proctor	
Bailey	Glass	Kirkland	Robertson	
Barron	Goodwin	Lemaster	Teague	
Callahan	Gulledge	Martin	Vacca	
Cook	Harrison	Parsons	Weeks	

Nays:

Messrs.:	Hall	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Denton	Keener	Mitchem	Taylor
Figures	Little	Pearson	White

—15

And said Bill, H. B. 324, as thus amended, was read a third time at length and passed.

Yeas 29; Nays 3.

Yeas:

Messrs.:	Glass	Martin	St. John
Bailey	Goodwin	McDonald	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Proctor	Weeks
deGraffenried	Kirkland	Robertson	White
Denton	Lemaster		

—29

Nays: Messrs.: Hall, Higginbotham, Little.

—3

ADJOURNMENT

At 5:27 P.M., on motion of Mr. St. John, the Senate adjourned until Thursday, June 7, 1979, at 10:30 A.M.

Yeas 19; Nays 13.

Yeas:

Messrs.:	Denton	Keener	St. John
Britnell	Glass	Kirkland	Teague
Callahan	Goodwin	Lemaster	Vacca
Cook	Gulledge	Parsons	Weeks
deGraffenried	Holmes	Robertson	White

—19

Nays:

Messrs.:	Little	Mitchem	Smith
Barron	Martin	Pearson	Taylor
Hall	McDonald	Proctor	
Harrison	Miller		
Higginbotham			

—13

SIXTEENTH LEGISLATIVE DAY

THURSDAY, JUNE 7, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Fred Gray, Pastor, First Baptist Church, Prattville, Alabama.

ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

—34

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Clemon for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 350. Relating to Pickens County; to regulate and provide for the payment of expense allowance of jurors; and to provide for retroactive effect.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

BILL RECONSIDERED

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill:

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

as amended, was passed.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill, H. B. 324, as amended, was ordered to its third reading.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Vacca amendment to the Bill, H. B. 324, as amended, was adopted.

And on motion of Mr. Cook, said amendment was laid on the table.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Glass amendment to the Bill, H. B. 324, as amended, was adopted.

And on motion of Mr. Cook, said amendment was laid on the table.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Mitchem and Little amendment No. 2 to the Bill, H. B. 324, as amended, was adopted.

And on motion of Mr. Cook, said amendment was laid on the table.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Mitchem and Little amendment No. 1 to the Bill, H. B. 324, as amended, was adopted.

And on motion of Mr. Cook, said amendment was laid on the table.

Mr. Cook then offered the following amendment to the Bill, H. B. 324, as amended, to-wit:

AMENDMENT TO H. B. 324

Amend H. B. 324 on page 1, Section 1, line 35 by adding the following:

For transfer to the Department of Conservation—For the acquisition of property at the West End of Dauphin Island \$1,500,000

(This appropriation is conditional upon the condition of the state treasury and approval of the Governor.)

Also:

Amend H. B. 324 on page 1, Section 1, between line 34 and 35 by adding the following:

For the Alabama Department of Toxicology:

For a new morgue and partial lab facilities in southwest Alabama \$205,000

(This appropriation is conditional on the condition of the state treasury and approval of the Governor.)

Also:

Amend H. B. 324 on page 1, Section 1, line 35 by adding the following language and figures:

Alabama State Steer Show \$6,900

(Any of the above appropriation not expended in said time period shall not revert.)

Also:

Amend H. B. 324 on page 1, Section 1, line 35 by adding the following language and figures:

Foreign Trade Relations Commission \$10,000

(Any of the above appropriation not expended in said time period shall not revert.)

Also:

Amend H. B. 324 on page 1, Section 1, line 35 by adding the following:

Department of Youth Services:

For Capital Improvements at the Boys Industrial School Roebuck \$300,000

(This appropriation is conditional upon the condition of the state treasury and with the approval of the Governor.)

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	St. John
Bailey	Goodwin	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Miller	Teague
Callahan	Harrison	Mitchem	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Proctor	White
Denton	Keener	Robertson	

—30

Nays:

—0

And said Bill, H. B. 324, as thus amended, was again read a third time at length and passed.

Yeas 26; Nays 4.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Harrison	Proctor	Weeks	
Cook	Holmes	Robertson	White	
deGraffenried	Kirkland	St. John		—26

Nays: Messrs.: Hall, Higginbotham, Keener and Little. —4

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Hall, Bailey, Lemaster, Martin, Denton, Parsons, and Holmes:

S. 466. Relating to elections; to provide for the designation of a principal campaign committee by each candidate for election to state office; to provide for the registration of political committees (including the principal campaign committee of each candidate) with the state; to provide for the reporting of contributions received and expenditures made by political committees, to permit contributions and expenditures by business corporations with respect to an election under certain circumstances; to provide for the designation of campaign depositories; to provide for the implementation and enforcement of the act; to define certain terms used in this act; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for requirements relating to campaign advertising, to prohibit the intimidation of voters, certain expenditures to influence voting, the promise of appointment by a candidate, the promise of employment or other benefit for political activity, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, any contribution of currency in excess of a specified amount, fraudulent misrepresentations of campaign authority, and certain enumerated corrupt practices with respect to elections; to provide penalties for the violation of the provisions of the act; and to repeal Chapter 22 of Title 17 of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Messrs. Britnell and Robertson:

S. 467. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Keener:

S. 468. To amend Chapter 2-20 of the Code of Alabama 1975, which relates to the prescription of civil actions, so as to specify the date on which the statute of limitations for injury to the person or rights of another shall be deemed to accrue.

Committee on Judiciary.

By Mr. Little:

S. 469. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

Committee on Finance and Taxation.

(The above Bill was read a first time at length as required by the Constitution.)

By Mr. Callahan:

S. 470. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 471. To amend Sections 16-25-3 and 36-27-41, Code of Alabama 1975 to provide for the reopening of the teachers' retirement system and the employees' retirement system so as to allow members of both systems to repay on or before October 1, 1980 any contributions previously withdrawn plus interest; and to provide membership credit under certain circumstances for up to four years military service.

Committee on Finance and Taxation.

By Mr. Hall:

S. 472. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Committee on Finance and Taxation.

By Mr. Hall:

S. 473. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Finance and Taxation.

By Messrs. Mitchem and Denton:

S. 474. Relating to elections, to provide further for election supplies, their form, printing, distribution and return; to amend sections 17-8-44 and 17-4-126 as previously amended by Act 584, 1978 Regular Session, so as to authorize the secretary of state to prescribe standard election supplies and forms and to recommend reductions where possible; and to amend section 17-8-25 to allow for reduction in the number of paper ballots printed; to provide for a public record of box-by-box and precinct vote totals.

Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 189. CREATING A SELECT JOINT COMMITTEE TO STUDY THE IMPORTATION OF ILLEGAL DRUGS INTO ALABAMA.

WHEREAS, the Legislature of Alabama, in its awareness that extraordinary performance of duty indeed mandates high praise and appreciation, today notes with admiration and esteem the superior actions of law enforcement personnel in Montgomery, Foley and Eufaula, Alabama, who have played significant and courageous roles in the confiscation of an inordinate amount of illegal drugs being flown in and otherwise transported into the state; and

WHEREAS, the Legislature wisely recognizes a need for immediate and positive action in arresting the flow of illegal drugs into Alabama; and

WHEREAS, it would be time well spent for the Alabama Legislature to have a select committee study the tremendous and alarming problem of such illegal drugs infiltrating this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study the importation of illegal drugs into Alabama, especially around airport areas. Such committee shall be composed of three members of the House of Representatives to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the President of the Senate. It shall be the duty of the committee to study the problems of how illegal drugs are being brought into Alabama, and report its findings to the Legislature no later than the 25th legislative day of the current 1979 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 189, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Stout:

H. J. R. 191. URGING THE STATE HIGHWAY DEPARTMENT TO FURNISH CERTAIN INFORMATION RELATING TO THE USE OF VEHICLES ON PUBLIC HIGHWAYS.

WHEREAS, The public highways of the State of Alabama and the various counties are deteriorating to such conditions that a general road program is needed; and

WHEREAS, A proper and just way to pay for such road program would be for those who use the highways to bear the cost; and

WHEREAS, The Legislature of the State of Alabama would, as a body, need reliable information as to the effect automobiles, buses and trucks of various types and the weights such vehicles carry have on the highways of the State and Counties; and

WHEREAS, The Legislature would need such information to evaluate and revise the tax assessed on such vehicles.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Highway Department gather data to show the relationship of vehicles using the States public highway, the damage incurred by the weights of such vehicles, and the taxes assessed the separate categories of such vehicles.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 191, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 145. Relative to meeting days: Tuesday, May 29, 1979, and Thursday, May 31, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 188. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 163. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn Thursday, May 31, 1979, we adjourn to meet again on Tuesday, June 5, 1979, and when we adjourn on Tuesday, June 5, we adjourn to meet again on Thursday, June 7, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 163, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bedsole, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hamann, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (E. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stoin, Termon, Tucker, Turner, Turnham, Venable, Waggoner, Ware, Warren, Whaley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 188. HONORING JOSEPH C. McTORGUEN, A DISTINGUISHED ALABAMIAN.

WHEREAS, the Legislature of Alabama, having paid tribute on previous occasions to the extraordinary achievements of the Honorable Joseph C. McCorquodale, Jr., is pleased to again most highly commend our good friend on his recent selection to membership in the Alabama Academy of Honor; and

WHEREAS, now in his sixth term of service in the Alabama House of Representatives, twice-elected Speaker by his peers, Joe McCorquodale joins a select group, finite in number, to be acclaimed by the Academy which was established for the express purpose of bestowing honor and recognition upon living Alabamians for their outstanding accomplishments and service; membership is limited to no more than ten persons each year with a maximum membership of one hundred notables so distinguished by the Academy; and

WHEREAS, the Academy's selection of our colleague Joe McCorquodale is a reflection of this body's affection and deep respect for a truly distinguished Alabamian with whom we are gratefully privileged to serve in our sincere efforts to so govern as to benefit our state and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute and in praise of Joe C. McCorquodale, Jr., and warmly congratulate our friend on his selection to membership in the Alabama Academy of Honor.

BE IT FURTHER RESOLVED, That Speaker McCorquodale be presented with a copy of this resolution which attests to our deep appreciation for his leadership and guidance and speaks of our respect, affection and esteem.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 188, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Daniels:

H. J. R. 192. CONGRATULATING AND COMMENDING MISS MIRANDA GALLOWAY, 1979 GENEVA COUNTY TOMATO FESTIVAL QUEEN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 192, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 80. DECLARING THE WEEK OF JUNE 3-9, 1979, "ALABAMA POULTRY AND EGG WEEK."

Also:

S. J. R. 89. ENCOURAGING THE MENTAL HEALTH DEPARTMENT OF THE STATE OF ALABAMA TO IMPLEMENT A PILOT PROGRAM THROUGH WHICH ALL STATE SUPPORTED INSTITUTIONS IN TUSCALOOSA COUNTY WILL PURCHASE HOMEGROWN FOODS DIRECTLY FROM ALABAMA FARMERS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 190. NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

WHEREAS, Ham Wilson has played a leading and dynamic role in the growth and development of the Livestock Industry of Alabama for the past quarter of a century; and

WHEREAS, Ham Wilson has rendered outstanding assistance to the Auburn University School of Agriculture and Extension Service in its growth and development; and

WHEREAS, Ham Wilson is recognized throughout the United States as a leader of the Beef Cattle Industry; and

WHEREAS, Ham Wilson has rendered great and valuable service to agriculture in Alabama that will impact for many years to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Livestock Arena at Auburn University, the "Ham Wilson Livestock Arena."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designated said arena as the "Ham Wilson Livestock Arena."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Wilson that he may be aware of this honorary designation in appreciation of his contributions to Auburn University and his promotion of the Livestock Industry of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 190, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

Also:

H. 200. To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

Also:

H. 188. To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 339. To provide for supplemental expense allowances for the district attorney and district judge of the 36th judicial circuit.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grouby and Cosby (with notice and proof):

H. 633. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 633, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Moore and Waggoner (with notice and proof):

H. 607. To provide for a personnel board for employees of county law enforcement officers in Shelby County; to provide for the compensation, terms of office and compensation for members of said board; to authorize the board to regulate, by promulgation of rules and regulations, appointments, qualifications, tenures, salaries, promotions and dismissals of said employees; to provide for the duties and functions of the board; to provide for a hearing and appeal procedure for employees who have had disciplinary action taken against them; to provide a procedure for the board for accepting and filing applications for employment within county law enforcement offices and providing for the appointment of qualified applicants to such positions; to provide for a procedure for hearing complaints within the various law enforcement offices; to grant certain powers of deposition and subpoena to the board for the facilitation of the board's hearings and investigations; to provide that all meetings of the board shall be open to the public; to provide appeal to the circuit court for adverse decisions of the board; to prohibit employees under control of the board from participating in certain political activities; to provide that the board's expenses of operation shall be financed from the proceeds of an additional tax on county sales of beer and brewed beverages enacted at the 1977 legislative session; to provide a procedure whereby municipalities may come under the provisions hereof; to provide penalties for violations of any provisions of the act; to repeal conflicting laws; and to provide for its effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 607, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts and Carter:

H. 399. Relating to the eighth judicial circuit consisting of Morgan County; to amend Section 4 of Act No. 377, S. 182 of the Regular Session 1978 (Acts 1978, p. 332) which act creates a thirty-ninth judicial circuit and which section provides for the designation of existing judgeships in the eighth judicial circuit and provides for the naming of the presiding judge of such circuit, so as to provide further for the selection process of the presiding judge of the eighth judicial circuit as prescribed by the Alabama Rules of Judicial Administration.

Also:

By Rep. Letson (with notice and proof):

H. 600. Relating to Lawrence County; amending Section 1 of Act No. 700, H. 1016 of the 1978 Regular Session (Acts 1978, Vol. II, p. 1009), relating to compensation for the clerk in the sheriff's office, so as to increase the maximum limit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 600, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 665. Relating to Marion County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries and private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 665, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 617. Relating to Lawrence County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 617, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Letson (with notice and proof):

H. 618. Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 618, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Willis (with notice and proof):

H. 701. To repeal Act No. 945, H. 1401, 1975 Regular Session, (Acts 1975, p. 1970), entitled "An Act To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 701, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (with notice and proof):

H. 668. Relating to Coffee County; providing an additional expense allowance for each coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 668, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Grouby and Cosby (with notice and proof):

H. 634. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 634, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 633, 607, 399, 600, 665, 617, 618, 701, 668, and 634. To the Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Wyatt:

H. 39. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendments):

S. 87. To provide for a guaranteed minimum starting wage or salary for all county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 59. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 11. To amend Section 40-18-19, Code of Alabama 1975, which exempts certain income from state income taxation, so as to exclude payments made to certain individuals from certain county or municipal retirement systems.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 129. To exempt the Villa Mercy, A Corporation, from the payment of all state, county and municipal sales and use taxes.

By Mr. Denton:

S. 388. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Colbert County Board of Education for capital outlay purposes only for the construction and renovation of Colbert Heights School in Colbert County.

By Mr. Little:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendment):

S. 202. To provide that there shall be three circuit judges in the fifth judicial circuit.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

By Mr. Mitchem:

S. 401. To amend Section 8-17-91, Code of Alabama 1975, relating to the disposition of permit fees, inspection fees and penalties paid to the commissioner of agriculture and industries pursuant to Sections 8-17-85 and 8-17-87, Code of Alabama 1975, so as to provide that ten percent (10%) of the amount collected thereunder each month, or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

By Rep. Holley:

H. 42. To amend Section 40-28-1, Code of Alabama, 1975, so that municipalities located in counties which prohibit the sale of alcoholic beverages and which are not served by the Tennessee Valley Authority shall share with such counties in the funds to be distributed by the state of Alabama from in-lieu-of-taxes payments made to it by the Tennessee Valley Authority and to establish procedures and methods for calculating the shares of such counties in such funds and calculating the methods of division of such funds.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 188. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

By Messrs. Lemaster, Martin and Denton:

S. 230. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

By Mr. Martin:

S. 379. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

By Mr. Holmes:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

By Rep. Cosby, et al:

H. 61. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dixon, et al: (With Amendment):

H. 104. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' examinations or comparable standardized test determined by State Board of Education and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pegues:

H. 52. To bring the laws of Alabama in conformity with P. L. 93-641 and Federal regulations by amending Section 22-21-260 relating to definitions, Section 22-21-265 relating to certificate of need required for new institutional health services, Section 22-21-274 relating to the review procedures, and Section 22-21-275 relating to application review for certificates of need. To repeal Section 22-21-262 which exempts certain acquisitions from certificate of need and Section 22-21-273 relating to the Health Facilities Review Council.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 369. To amend Code of Alabama, 1975, §5-9-40 through §5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice of waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that general, local or local laws of general application to the contrary notwithstanding any bank a party to a merger, conversion or consolidation may, regardless of the county of location of the principal office of such bank, and, regardless of whether the bank surviving such merger, conversion or consolidation is a national bank or a state banking corporation, continue to maintain and operate all banking offices maintained and operated at the time of said merger, conversion or consolidation and with appropriate regulatory approval, establish additional banking offices in counties where banking offices are maintained at the time of the merger, conversion or consolidation to the extent permitted to banks having their principal or other banking office in such county, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof):

S. 413. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

By Mr. Keener (with notice and proof):

S. 440. Relating to Etowah County; providing for the compensation of the tax assessor.

By Messrs. Little and Higginbotham (with notice and proof):

S. 462. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

By Rep. Turner (with notice and proof):

H. 313. Relating to Washington County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

By Rep. Reed (with notice and proof):

H. 657. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the streets or sidewalks or private property within the City of Tuskegee to be a public nuisance, and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

By Rep. Reed (with notice and proof):

H. 659. To authorize the establishment of branch banks in Macon County.

By Rep. Reed (with notice and proof):

H. 660. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body if requested; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

By Rep. Crow (with notice and proof):

H. 670. Relating to Calhoun County; to amend section 7 of Act No. 384, H. 946, Regular Session 1969 (Acts 1969, p. 754) relating to applicants for employment in the sheriff's department, so as to further provide for application procedures with the civil service board of Calhoun County.

By Rep. Crow (with notice and proof):

H. 671. Relating to Calhoun County; to amend section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809) which relates to the composition of the civil service board of Calhoun County, so as to further provide for membership in said board.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

BILLS PLACED ON CONSENT CALENDAR

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. McDonald (With Amendment):

S. 229. To provide that all justices of the supreme court, judges of the courts of appeal, and circuit judges assuming office for the first time on or after May 1, 1979, shall be entitled to benefits under the judicial retirement fund; to prescribe certain exceptions, including: (a) Such justices or judges shall not receive retirement pay until age sixty; (b) retirement pay shall be computed upon a percentage of final salary at the time of retirement; (c) any cost-of-living increase shall be limited to the times such increments are granted to state employees; (d) only prior creditable service as a judge shall count toward judicial retirement; to provide that certain prior service as a district court judge may be counted toward retirement as a circuit or appellate judge; to repeal conflicting laws.

By Mr. Callahan:

S. 269. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

By Messrs. deGraffenried, St. John, Clemon, Keener, Proctor, Kirkland, and Parsons (With Substitute):

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

By Rep. Clark:

H. 74. To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships from maintaining any action, suit, or proceeding until after registration; establishing an effective date.

By Mr. Proctor:

S. 259. To amend § 22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

REPORTS FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Henry H. Cobb, Jr., as Adjutant General of the State of Alabama.

On motion of Mr. White, the appointment of Mr. Cobb as Adjutant General of the State of Alabama was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Proctor	Weeks
Figures	Kirkland	Robertson	White
Gulledge	Little		

—25

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Michael B. McCartney to the Board of Trustees of Auburn University.

On motion of Mr. Keener, the appointment of Mr. McCartney to the Board of Trustees of Auburn University was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	deGraffenried	Gulledge	Holmes
Barron	Figures	Hall	Keener
Britnell	Glass	Harrison	Kirkland
Callahan	Goodwin	Higginbotham	Lemaster

Little	Mitchem	Smith	Vacca	
Martin	Proctor	Taylor	Weeks	
McDonald	Robertson	Teague	White	
Miller				—28
<i>Nays:</i>				—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Edwin M. Dixon to the State Personnel Board

On motion of Mr. McDonald, the appointment of Mr. Dixon to the State Personnel Board was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Barron	Hall	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Cook	Higginbotham	Miller	Taylor	
deGraffenried	Holmes	Mitchem	Vacca	
Figures	Keener	Parsons	Weeks	
Goodwin	Lemaster	Proctor	White	
				—27

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Morris Savage to the Board of Trustees of Auburn University

On motion of Mr. McDonald, the appointment of Mr. Savage to the Board of Trustees of Auburn University was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson	
Barron	Harrison	McDonald	St. John	
Cook	Higginbotham	Miller	Smith	
deGraffenried	Holmes	Mitchem	Taylor	
Glass	Keener	Parsons	Vacca	
Goodwin	Little	Proctor	White	
Gulledge				—24
<i>Nays:</i>				—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

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Appointment of Mrs. Helen Shores Lee as member of the Alabama Educational Television Commission

On motion of Mr. White, the appointment of Mrs. Lee as member of the Alabama Educational Television Commission was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Robertson
Barron	Harrison	McDonald	St. John
Cook	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Vacca
Goodwin	Little	Proctor	White
Gulledge			—24

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable James D. Pruett as member of the Alabama Securities Commission.

On motion of Mr. Keener, the appointment of Mr. Pruett as member of the Alabama Securities Commission was confirmed by the Senate.

Yeas 25; Nays 0.

<i>Yeas:</i>	Gulledge	Martin	Robertson
Messrs.:	Hall	Miller	Smith
Barron	Harrison	Mitchem	Taylor
Britnell	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Little		—25
Figures			

Nays: —0

MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 292, on page 59 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 292, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RECESS

At 12 o'clock Noon, on motion of Mr. St. John, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

EXTENSION OF TIME FOR COMMITTEE REPORT GRANTED

On motion of Mr. Robertson, permission was granted for a two week extension for filing the report of the Board of Corrections Management and Performance Evaluation Committee.

RESOLUTIONS

Mr. Vacca offered the following Senate Resolutions, to-wit:

S. R. 91. COMMEMORATING THE 20th ANNIVERSARY OF THE ENTHRONEMENT OF HIS EMINENCE ARCHBISHOP IAKOVOS.

Also:

S. R. 92. RECOGNIZING THE GREEK ORTHODOX FAITH AS ONE OF THE FOUR MAJOR FAITHS IN ALABAMA.

Which was adopted.

MOTION IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 196, on page 45 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 196, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING

The Bill:

H. 632. To provide for a referendum in any city in the State of Alabama which has a population of less than twenty thousand (20,000) and which elected to abandon the commission form of government and return to the mayor-council form of government since January 1, 1975, but was denied approval of the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 USC § 1973 (c) due to the objection that aldermen are elected at large; to provide for the electorate of such city to choose between the commission form of government and the mayor-council form of government; to provide for the ballots to be used in any such referendum; to provide for an election of commissioners or a mayor and aldermen depending upon which form of government receives a majority of the votes at said referendum; to provide for the election of a President of the Board of Commissioners, a Commissioner of Streets, and a Police Commissioner who would designate the place for which such person is a candidate; to provide for the terms of office of said commissioners; to provide for a method of fixing the salaries of the commissioners; to provide for the election of one alderman from each ward by the electorate of such ward and the election of a mayor by the electorate of the city at large with the mayor to serve as the president of the council; to provide for the terms of office of the aldermen and mayor; and to provide for a method of fixing the salaries of the aldermen and mayor.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Bailey	Hall	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Glass	Little	Proctor	White
Goodwin	Martin		

—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 229. To provide that all justices of the supreme court, judges of the courts of appeal, and circuit judges assuming office for the first time on or after May 1, 1979, shall be entitled to benefits under the judicial retirement fund; to prescribe certain exceptions, including: (a) Such justices or judges shall not receive retirement pay until age sixty; (b) retirement pay shall be computed upon a percentage of final salary at the time of retirement; (c) any cost-of-living increase shall be limited to the times such increments are granted to state employees; (d) only prior creditable service as a judge shall count toward judicial retirement; to provide that certain prior service as a district court judge may be counted toward retirement as a circuit or appellate judge; to repeal conflicting laws.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 229, to-wit:

COMMITTEE AMENDMENT TO S. B. 229

In Section 1 (a), page 2, lines 23 and 24, strike the words and Code reference numbers, "The provisions of Sections 12-18-6 (a) (5) and 12-18-6 (b) (5)" and insert in lieu thereof:

The provisions of Section 12-18-6 (a) (3) and (5) and 12-18-6 (b) (3) and (5)

Also Amend Senate Bill 229 in all appropriate places in said bill where the word and figures "May 1, 1979" appear by striking said word and figures and inserting in lieu therefor the words the effective date of this act, to-wit:

Synopsis page 1 lines 11, 12, 27, 29 & 30

Title page 1 line 38

Section page 2 line 17

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Gulledge	Higginbotham
Barron	Glass	Hall	Holmes
Callahan	Goodwin	Harrison	Keener

Kirkland	Miller	Robertson	Vacca	
Lemaster	Mitchem	St. John	Weeks	
Little	Parsons	Smith	White	
Martin	Proctor	Taylor		—26
<i>Nays:</i>				—0

And said Bill, S. B. 229, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
deGraffenried	Keener	Robertson	White	
Denton				—24
<i>Nays:</i>				—0

The Bill:

S. 269. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John	
Barron	Hall	Little	Smith	
Britnell	Harrison	Martin	Taylor	
Callahan	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Goodwin				—24

Nays: —0

The Bill:

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 20-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

was taken up.

On motion of Mr. deGraffenried, consideration of said Bill, S. B. 64, was postponed until the next Legislative Day.

RESOLUTION

Messrs. Callahan, Bailey, Barron, Britnell, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 93. URGING CONFIRMATION BY THE PRESIDENT OF STATE SENATOR U. W. CLEMON OF BIRMINGHAM AS JUDGE OF UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA.

WHEREAS, U. W. Clemon of Birmingham, who is a graduate of Miles College and of Columbia University School of Law, is a practicing attorney in Birmingham and is serving his second term as our colleague in the Alabama Senate; and

WHEREAS, Alabama U. S. Senators Howell Heflin and Donald Stewart, recognizing that our friend Mr. Clemon is eminently qualified to serve as Judge of the United States District Court, Northern District of Alabama, have submitted his name for consideration by the President; and

WHEREAS, the members of the Alabama Legislature, having been privileged to serve with the Honorable U. W. Clemon, are cognizant not only of the outstanding credentials possessed by Mr. Clemon but also of his legal acumen and zealous dedication to the profession he has served so well and for so many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the President to give immediate consideration to the nomination by Senators Heflin and Stewart of Alabama of State Senator U. W. Clemon to the vacancy in District Court, Northern District of Alabama, with hopeful assurance that confirmation might be at once forthcoming.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 74. To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships from maintaining any action, suit, or proceeding until after registration; establishing an effective date.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John
Barron	Higginbotham	McDonald	Smith
Britnell	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Teague
Denton	Kirkland	Proctor	Weeks
Gulledge	Little	Robertson	White
Hall			

—24

Nays:

—0

The Bill:

S. 259. To amend § 22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

was taken up.

Mr. Little offered the following amendment to the Bill, S. B. 259, to-wit:

AMENDMENT TO S. B. 259

Amend S. B. 259 as follows:

On page 1, Section 1, strike lines 12 and 13 in their entirety.

Further amend S. B. 259 as follows:

On page 1, Section 1, line 19, strike out the underscoring line under the word "phenylketonuria".

Further amend S. B. 259 as follows:

On page 1 underscore Section 2 in its entirety.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith
Bailey	Hall	Little	Taylor
Barron	Harrison	McDonald	Teague
Britnell	Holmes	Miller	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White

—23

Nays:

—0

And said Bill, S. B. 259, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Figures	Hall
Bailey	deGraffenried	Goodwin	Harrison
Barron	Denton	Gulledge	Holmes

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Kirkland	Mitchem	Smith	Vacca	
Lemaster	Pearson	Taylor	Weeks	
Little	Proctor	Teague	White	
Miller	St. John			—25
<i>Nays:</i>				—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 94. RESOLVED BY THE SENATE That the following business in the order named be the special paramount order of business upon reaching Bills on 3rd Reading for the 16th and 17th Legislative Day:

Bill No.	Page	Description
S. B. 289	29	Fin. Dir., Trans, of cert. state assets in ins. fund
S. B. 288	29	Inv. of St. ins. funds
S. B. 247	16	Hwy. Beautification Act
S. B. 314	38	Crim. Code, amended, deadly phys. force
S. B. 316	64	Crim. Code, amending sev. sec.
S. B. 220	6	Real Estate Commission
S. B. 37	7	Left turn on red under cert.
S. B. 20	3	Reg. of sale of cert. school courses
H. B. 66	43	Oil and gas well permit fees
S. B. 187	31	Auth. for out-of-state travel
S. B. 50	38	AL Admn. Procedure Act
H. B. 242	50	Small Loan
S. B. 138	15	Cert. mobile homes, reg. & id.
H. B. 65	63	Seeds: Complaints, investigations committee established
S. B. 221	9	Pesticide Residue Lab., AU, powers
S. B. 157	27	"Cost of Evidence Fund", ABC Board
S. B. 197	28	Jax State, title transfer
S. B. 90	36	Descent & dist. of real estate of intestate
S. B. 284	34	Driver License Med. Adv. Bd.
S. B. 100	1	Amending Ins. Code, Standard Nonforfeiture Law

S. B. 198	15	Locomotive engineers, duties (S. 194)
S. B. 334	34	Unitization orders, def.
S. B. 335	35	St. Oil & Gas Bd. Bldg., new wing named
S. B. 338	35	Oil redefined

And said Resolution, S. R. 94, was then adopted by the Senate.

ADJOURNMENT

At 2:25 P.M., on motion of Mr. St. John, the Senate adjourned until Tuesday, June 12, 1979, at 2 o'clock P.M.

SEVENTEENTH LEGISLATIVE DAY

TUESDAY, JUNE 12, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Adrian Cook, Associate Pastor, Saint Bede's Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Keener (with notice and proof):

S. 475. Relating to Etowah County; to further provide for the preparation of the lists of qualified electors which the judge of probate is required to

furnish the election inspectors; and to provide for the expenses of the judge of probate for preparation of such lists.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 475, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Proctor:

S. 476. Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Committee on Finance and Taxation.

By Mr. Cook:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

Committee on Governmental Affairs.

By Mr. Little:

S. 478. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

Committee on Judiciary.

By Mr. Gullledge (with notice and proof):

S. 479. Relating to Baldwin County; to provide for the leasing of the oil, gas and mineral rights that are owned by the county on the right-of-way of the Baldwin County road system; and to provide for the disposition of the funds accruing from such leases for public launching ramps.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 479, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Figures:

S. 480. To prohibit the Attorney General or any of the several district attorneys in the state from defending any person who has allegedly committed a crime and to prohibit the expenditure of public funds for the defense of such person.

Committee on Judiciary.

By Mr. Martin (with notice and proof):

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and

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duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 481, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. White and Teague:

S. 482. To provide for Grand Jury proceedings to be secret and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release of and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; and further prescribes criminal penalties for the obstruction of Grand Jury witnesses and their testimony.

Committee on Judiciary.

By Mr. Robertson (with notice and proof):

S. 483. To authorize the county governing body of Tuscaloosa County, Alabama, and the governing body of any municipality in Tuscaloosa County, to enter into long term contracts for the disposal of solid waste, garbage, and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision of statutory limitation on debts of the county and the municipality.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 483, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Proctor and Cook (with notice and proof):

S. 484. Relating to Shelby County; providing for the compensation of the tax assessor and tax collector.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 484, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and

Industries any purchases of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Mitchem:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131 (5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Holmes (with notice and proof):

S. 487. Relating to Calhoun County; authorizing the establishment of branch banks within the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 487, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Holmes (with notice and proof):

S. 488. To repeal Act No. 183, H. 364, Regular Session 1961 (Acts 1961, p. 225), as amended, entitled, "An Act Authorizing the establishment of branch banks in counties having populations of not less than 95,000 nor more than 115,000."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 488, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison:

S. 489. To amend section 40-23-5 of the Code of Alabama 1975 so as to exempt the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama and all of its affiliates from any state, county or municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Teague:

S. 490. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

Committee on Governmental Affairs.

By Messrs. Parsons and Bailey:

S. 491. To amend Section 40-23-4, Code of Alabama 1975, which provides for certain tax exemptions so as to exempt certain food purchased for human consumption for certain taxes; to provide criminal penalties for falsifying one's age.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 492. Relating to criminal court procedure; providing further for changes of venue in criminal cases.

Committee on Judiciary.

By Messrs. Kirkland, Robertson, Barron, Harrison, Hall, Taylor and deGraffenried:

S. 493. To provide that the cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement system granted under Act No. 599, H. 119, Regular Session 1978 (Acts of Alabama 1978, p. 849), shall be permanent and require no further authorization by the legislature.

Committee on Finance and Taxation.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 394, on page 68 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 394, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Vacca offered the following Senate Resolution, to-wit:

S. R. 95. COMMENDING MRS. FLORA MILNER PIKE ON HER 86TH BIRTHDAY.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 74. To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships from maintaining any action, suit, or proceeding until after registration; establishing an effective date.

Also:

H. 632. To provide for a referendum in any city in the State of Alabama which has a population of less than twenty thousand (20,000) and which elected to abandon the commission form of government and return to the mayor-council form of government since January 1, 1975, but was denied approval of the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 USC § 1973 (c) due to the objection that aldermen are elected at large; to provide for the electorate of such city to choose between the commission form of government and the mayor-council form of government; to provide for the ballots to be used in any such referendum; to provide for an election of commissioners or a mayor and aldermen depending upon which form of government receives a majority of the votes at said referendum; to provide for the election of a President of the Board of Commissioners, a Commissioner of Streets, and a Police Commissioner who would designate the place for which such person is a candidate; to provide for the terms of office of said commissioners; to provide for a method of fixing the salaries of the commissioners; to provide for the election of one alderman from each ward by the electorate of such ward and the election of a mayor by the electorate of the city at large with the mayor to serve as the president of the council; to provide for the terms of office of the aldermen and mayor; and to provide for a method of fixing the salaries of the aldermen and mayor.

Also:

H. J. R. 163. Relative to Meeting dates: Tuesday, June 5, 1979 and Thursday, June 7, 1979.

Also:

H. J. R. 188. HONORING JOSEPH C. McCORQUODALE, JR., DISTINGUISHED ALABAMIAN.

Also:

H. J. R. 190. NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

Also:

H. J. R. 192. CONGRATULATING AND COMMENDING MISS MIRANDA GALLOWAY, 1979 GENEVA COUNTY TOMATO FESTIVAL QUEEN.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 200. INVITING MR. DOUGLAS ADAIR TO PARTICIPATE IN FLAG DAY CEREMONIES TO BE HELD IN THE HOUSE CHAMBER ON JUNE 14, 1979.

WHEREAS, on June 14, nationally designated as Flag Day, Americans throughout our land will again pay renewed tribute to our precious flag and its symbolism of our glorious heritage in this 203rd year of our Republic; and

WHEREAS, our friend and colleague, George G. Seibels, Jr., who is a Life Member of the American Legion, has arranged for a ceremony to take place in the House Chamber at 11:00 a.m. on Thursday, June 14, 1979, at which time Colors will be presented; and

WHEREAS, we hopefully anticipate that, at that time, Mr. Douglas Adair, two-time state champion of the annual American Legion Oratorical Contest, will be so kind as to deliver his winning message on the United States Constitution to members of the Legislature and other guests gathered for the occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially invite Mr. Douglas Adair to participate in our Flag Day Ceremony on June 14, 1979, at 11:00 a.m., in the House Chamber.

BE IT FURTHER RESOLVED, That Mr. Adair be notified, by copy of this resolution, of our request and that we eagerly anticipate this opportunity to hear his stirring and inspiring message during our patriotic observance of Flag Day in America.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 200, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Owens, Sasser, and Manley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Goodwin	McDonald	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Hall	Pearson	Vacca
Cook	Harrison	Proctor	Weeks
deGraffenried	Higginbotham	Robertson	White
Denton	Keener.		

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Pearson, St. John, and McDonald.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 339. To provide for supplemental expense allowances for the district attorney and district judge of the 36th judicial circuit.

Also:

S. J. R. 80. DECLARING THE WEEK OF JUNE 3-9, 1979, "ALABAMA POULTRY AND EGG WEEK."

Also:

S. J. R. 89. ENCOURAGING THE MENTAL HEALTH DEPARTMENT OF THE STATE OF ALABAMA TO IMPLEMENT A PILOT PROGRAM THROUGH WHICH ALL STATE SUPPORTED INSTITUTIONS IN TUSCALOOSA COUNTY WILL PURCHASE HOMEGROWN FOODS DIRECTLY FROM ALABAMA FARMERS.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cates (with notice and proof):

H. 730. Relating to Butler County; to provide for the night hunting and taking of raccoons and opossums with the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition and/or number six size shot used in shotguns.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 730, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cates (with notice and proof):

H. 729. Relating to Butler County; to provide for the refund of certain contributions to any retirement system by certain former county sheriffs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 729, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stout and Rains (with notice and proof):

H. 705. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 705, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stout and Rains (with notice and proof):

H. 704. Relating to DeKalb County; providing for the compensation of the tax assessor and tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 704, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stout and Rains (with notice and proof):

H. 703. Relating to selling and redeeming lands for taxes in DeKalb County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 703, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gilmer (with notice and proof):

H. 596. Relating to Lamar County; to provide additional clerical help for the probate judge, tax assessor and tax collector and to provide said act shall take retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 596, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 696. Relating to Chilton County; permitting the sheriff to hire and maintain additional deputies under the Comprehensive Employment and Training Programs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 696, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 730, 729, 705, 704, 703, 596, and 696. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Horn, Jackson, Harrison, Langford, Howard, Buskey, Hilliard, and Reed:

H. J. R. 205. COMMENDING GOVERNOR FOB JAMES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 205, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Lewis, McCorquodale, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 199. EXPRESSING THE APPRECIATION OF THE LEGISLATURE FOR THE DECATUR AREA HOSPITALITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 199, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Biddle and Waggoner:

H. J. R. 201. TO COMMEND COACH GENE BARTOW ON THE ANNIVERSARY OF HIS SECOND YEAR AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 201, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford, McCorquodale, Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Hall, Harrison, Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Waggoner, Warren, Williams and Willis:

H. J. R. 202. EXTENDING THE APPRECIATION OF THE ALABAMA LEGISLATURE TO THE HONORABLE LAMAR ALEXANDER, GOVERNOR OF THE STATE OF TENNESSEE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 202, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Trammell:

H. J. R. 204. NAMING THE ROAD FROM COUNTY ROAD 129 TO MINOR HIGH SCHOOL, IN JEFFERSON COUNTY, THE "CHRISS DOSS ROAD."

WHEREAS, Mr. Chriss H. Doss is a former member of the Alabama Legislature who represented District 14, Jefferson County, in the House of Representatives from 1971 to 1975; and

WHEREAS, in his capacity as a county engineer, Mr. Doss was instrumental in the construction of a road which leads from County Road 129, also known as the Minor Cut-off, to Minor High School; and

WHEREAS, his efforts on their behalf are deeply appreciated by the faculty of Minor High School, members of the Minor PTA, the students of Minor High and by many other citizens of that area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the road in Jefferson County that leads from County Road 129 to Minor High School, the "Chriss Doss Road."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said road.

RESOLVED FURTHER, That Mr. Doss receive a copy of this resolution as a memento of this honorary designation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Parsons, the Rules were suspended and the Resolution, H. J. R. 204, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 96. ESTABLISHING A JOINT LEGISLATIVE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE RISING PRICE OF GASOLINE AND OTHER MOTOR FUELS IN ALABAMA.

WHEREAS, the price of gasoline and other motor fuels has been rising rapidly in the past several weeks; and

WHEREAS, there are conflicting reports as to the reasons for shortages of motor fuels and the rising prices; and

WHEREAS, traditional differentials in prices between various grades of motor fuels have all but disappeared; and

WHEREAS, it is important for the public to know whether price gouging by oil companies is taking place; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Investigative Committee, of a continuing nature, to investigate the pricing of gasoline and other motor fuels in Alabama. The committee shall be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The committee shall select from among its membership a chairman and a vice-chairman. The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature. The committee shall meet upon the call of the chairman and may hold hearings anywhere within the state. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the next Regular Session of the Legislature, and shall thereupon stand dissolved. Each member of the committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day in attendance of a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bennett, Amari, Dixon, Whatley, Lewis and Boles:

H. 115. To provide for the cooperation and continuing legal education of attorneys who represent public school boards; to authorize public school boards to expend funds for such purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 115. To the Committee on Finance and Taxation.

RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 97. HONORING DAVID McCALL, PRESIDENT OF THE ALABAMA FFA ASSOCIATION FOR 1979-80.

WHEREAS, in pleased recognition of outstanding accomplishment, the Legislature of Alabama most highly commends David McCall of Opp, Alabama, president of the Alabama FFA Association for the 1979-1980 school year; and

WHEREAS, David McCall is a rising senior at Opp High School, an above average student who is much admired and respected by both faculty and classmates alike; he is an actively involved member of the Gridertown Church of Christ in Opp and also has competed for some three years as a public speaker on local, county and district levels, in addition to his dedicated participation in the FFA Association in Alabama which consists of more than 380 chapters with a membership of 27,000; and

WHEREAS, David McCall has contributed greatly to this fine organization through his service as president of both the Opp and Covington County FFA Chapters and as Southeast District Officer; and

WHEREAS, on June 5, 1979, he was prestigiously elected to lead the State FFA Association for 1979-80 and, as such, will travel extensively throughout Alabama and also represent our state at meetings and conferences in Washington, D. C., and Kansas City, Missouri; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend David McCall for extraordinary achievement and wish him every future success in his teaching career in Agribusiness and in his ambitions for public service involvement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to David and to his parents, Mr. and Mrs. Johnnie McCall, with a copy also to Principal W. Robert Waller of Opp High School for appropriate school display

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 148. URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE PRESIDENT AND THE ALABAMA CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY STEPS TO RETAIN AMTRAK PASSENGER TRAIN SERVICE IN ALABAMA.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 158. ENCOURAGING THE PRESIDENT OF THE UNITED STATES, THE ALABAMA CONGRESSIONAL DELEGATION, THE SECRETARY OF AGRICULTURE, AND THE SECRETARY OF ENERGY TO PROMOTE AND ADOPT A NATIONAL POLICY OF A BUSHEL OF WHEAT FOR A BARREL OF OIL.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 189. CREATING A SELECT JOINT COMMITTEE TO STUDY THE IMPORTATION OF ILLEGAL DRUGS INTO ALABAMA.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 98. INVITING CHIEF JUSTICE C. C. "BO" TORBERT TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, the state of the judiciary and the administration of justice is of paramount interest to the Legislature and to the citizens of Alabama; and

WHEREAS, it has been a custom and tradition in many of our sister states to invite their Chief Justice to report annually on the state of the judicial branch of government to the Legislature; and

WHEREAS, the Honorable C. C. Torbert, Jr., Chief Justice of the Alabama Supreme Court and administrative head of the Judicial Branch of government did deliver such a report to the Legislature during the 1978 Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, both Houses thereof concurring:

That the Honorable C. C. Torbert, Jr., Chief Justice of the Supreme Court of Alabama, is hereby cordially invited to address a joint session of the Legislature and report on the state of the judiciary and the administration of justice in Alabama at 11:00 a.m. on the 28th day of June, 1979.

BE IT FURTHER RESOLVED that a copy of this resolution, be sent to the Chief Justice as an invitation to address a joint session of the Legislature.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Gulledge offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 214, on page 19 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 214, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 104, on page 73 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 104, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 386, on page 72 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 386, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 233, on page 57 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate offered said Bill, S. B. 233, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Proctor, and Clemon:

S. 199. To provide that contributory negligence shall not bar a recovery in a civil tort action; to institute the rule of comparative negligence.

By Mr. Callahan:

S. 248. To provide the manner corporations not of a business nature may amend or alter their charters.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harrison (With Amendments):

S. 366. To amend section 7-2-316 of the Code of Alabama 1975 so as to require that for any disclaimer of an implied warranty under said section to be enforceable, the language used in connection therewith must be conspicuously printed.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener:

S. 468. To amend section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which the elements of a civil action for injury to the person or rights of another shall first be deemed to accrue.

By Mr. Clemon:

S. 449. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

By Messrs. Kirkland and Mitchem:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

By Mr. Little:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Figures (With Amendment):

S. 343. Amending ALA. CODE §6-10-123 (1975) to provide that for any waiver of exemption rights to be enforceable, the party asserting such a waiver in a civil action must plead and, if controverted, prove by a preponderance of the evidence presented that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 257. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

By Rep. Johnson (R. G.), et al:

H. 103. To amend Section 6-5-335, Code of Alabama 1975, relating to the exemption from civil liability of members of organized volunteer fire departments who make efforts to preserve and protect any building and property from fire, so as to exempt such volunteers as well as members of organized rescue squads from civil liability whose acts, in the line of their duties, unintentionally cause injury to fellow volunteers or owners of said property.

By Rep. Manley:

H. 226. To provide a procedure for cancelling shares of a corporation which have been purchased or reacquired by it and for reducing stated capital by the amount represented by the shares, the effect of which will be to provide a procedure for restoring treasury shares to the status of authorized but unissued shares.

By Rep. Manley, et al:

H. 292. To amend section 12-17-183 of the Code of Alabama 1975, relating to residency requirements of district attorneys in the state, so as to regulate further the residency requirements of the district attorneys.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried (with notice and proof):

S. 463. To provide that the City of Tuscaloosa shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the Corporate Limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

By Rep. Minus (with notice and proof):

H. 375. Relating to Choctaw County; establishing the Choctaw County Medical Scholarship Board; providing for its composition; authorizing the county commission to allocate money from the county treasury to the board for its use; authorizing the City Council of the City of Butler to allocate money from the city treasury to the board for its use; and authorizing the board to receive money from private sources for its use.

By Rep. Blake (with notice and proof):

H. 509. To provide for a personnel board for the employees of St. Clair county and any municipalities therein which may elect to come under the authority of such board; to empower such board to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act; to prescribe certain rules and regulations for appointments and dismissals; to provide for the composition, terms of office, and compensation of the members of such board; to provide for appeal to the county circuit court of decisions made by said board; and to prescribe penalties for violations of this act.

By Rep. Blake:

H. 592. To repeal Act No. 1044, H. 1902, Regular Session 1971, (Acts 1971, p. 1857), entitled "An Act Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide for a deputy coroner for said counties to be appointed by the coroner of said counties; the deputy coroner to reside in the Northern Judicial Division of said counties if the coroner resides in the Southern Judicial Division of said counties or the deputy coroner must reside in the Southern Judicial Division of said counties if the coroner resides in the Northern Judicial Division of said counties; the deputy coroner is to be paid \$100.00 for each month said deputy coroner serves and a mileage allowance of 10¢ per mile."

By Rep. Blake (with notice and proof):

H. 593. Relating to St. Clair County; to provide for a deputy coroner who is to be appointed by the coroner of said county; to designate the deputy coroner's place of residence in said county; and to provide for the compensation, expense and mileage allowances for such officer.

By Rep. Blake (with notice and proof):

H. 594. Relating to St. Clair County; to regulate the salaries and to provide for expense accounts of certain public officials in St. Clair County and also to provide for a referendum election to be held pursuant to Amendment 196 of the Alabama Constitution of 1901.

By Rep. Adams (C) and Whatley (with notice and proof):

H. 606. Relating to Russell County; to increase the compensation of election officials.

By Rep. Grouby and Cosby (with notice and proof):

H. 633. To regulate further the fees for recording documents affecting the title of real property in Autauga County; and providing for the disposition of said fees.

By Rep. Grouby and Cosby (with notice and proof):

H. 634. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies of the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

By Rep. Blake (with notice and proof):

H. 644. To alter, rearrange and extend the boundaries and corporate limits of the Town of Odenville, St. Clair County, Alabama, so as to annex certain territory to the town.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Carter and Roberts (With Substitute):

H. 133. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

By Rep. Pegues, Waggoner and Lewis:

H. 85. To amend Section 41-16-100 of the Code of Alabama 1975.

LOCAL BILLS ON THIRD READING

The Bill:

S. 413. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

Nays: —0

The Bill:

S. 440. Relating to Etowah County; providing for the compensation of the tax assessor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Figures	Little	Taylor	
Barron	Glass	Martin	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Gulledge	Pearson	Weeks	
Clemon	Hall	Proctor	White	
Cook	Keener			—25

Nays: —0

REGULAR SESSION
17th Day

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The Bill:

S. 462. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Parsons	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Higginbotham	Proctor	Weeks
Clemon	Keener	St. John	White
Cook	Kirkland		

—25

Nays: —0

The Bill:

H. 313. Relating to Washington County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Little	Proctor
Bailey	Denton	Martin	Smith
Barron	Figures	Miller	Taylor
Britnell	Glass	Mitchem	Vacca
Callahan	Gulledge	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		

—25

Nays: —0

The Bill:

H. 657. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the streets or sidewalks or private property within the City of Tuskegee to be a public nuisance, and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Bailey	Figures	Little	Proctor
Barron	Glass	Martin	Smith
Britnell	Goodwin	Miller	Taylor
Callahan	Hall	Mitchem	Teague
Clemon	Holmes	Parsons	Weeks
Cook	Keener		

—25

Nays:

—0

The Bill:

H. 659. To authorize the establishment of branch banks in Macon County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson
Bailey	Glass	Little	Proctor
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	Miller	Taylor
Clemon	Hall	Mitchem	Teague
Cook	Holmes	Parsons	Weeks
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 660. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body if requested; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	Martin	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Hall	Parsons	Teague
Clemon	Holmes	Pearson	Weeks
Cook	Keener		

—25

Nays:

—0

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17th Day

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The Bill:

H. 670. Relating to Calhoun County; to amend section 7 of Act No. 384, H. 946, Regular Session 1969 (Acts 1969, p. 754) relating to applicants for employment in the sheriff's department, so as to further provide for application procedures with the civil service board of Calhoun County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Robertson
Bailey	Figures	Miller	St. John
Barron	Glass	Mitchem	Smith
Britnell	Hall	Parsons	Teague
Callahan	Holmes	Pearson	Weeks
Clemon	Kirkland	Proctor	White
Cook	Little		

—25

Nays: —0

The Bill:

H. 671. Relating to Calhoun County; to amend section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809) which relates to the composition of the civil service board of Calhoun County, so as to further provide for membership in said board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	Martin	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Hall	Parsons	Weeks
Clemon	Harrison	Pearson	White
Cook	Holmes		

—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 239. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

was taken up.

On motion of Mr. Higginbotham, consideration of said Bill, S. B. 239, was indefinitely postponed.

The Bill:

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 20-2-212, 10-2-250 through 20-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

was taken up.

Mr. deGraffenried moved that said Bill, S. B. 64, be removed from the Consent Calendar and re-committed by unanimous consent, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 64, re-committed to the Standing Committee on Judiciary.

The Bill:

H. 133. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 133, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 133

A BILL TO BE ENTITLED AN ACT

To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-7-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-7-2. The bureau shall be in charge of a director of publicity. The director shall be appointed by and serve at the pleasure of the governor. The governor shall fix his compensation in accordance with the provisions of section 36-6-6. The director shall appoint division and unit heads and such assistants and employees as may be necessary to the efficient operation of the bureau. All employees of the bureau shall be subject to the provisions of the Merit System Act. It is further provided, however, that all

persons employed by the bureau for positions in state welcoming centers as of the effective date of this amendatory act shall retain their employment positions with the bureau. All such persons so retained by the bureau shall immediately receive all benefits and privileges of the state merit system law in the same manner and to the same extent as other merit system employees of the state. All persons employed by the bureau after the effective date of this amendatory act shall be employed subject to the provisions of the state merit system law and such other state and federal laws, including state and federal court requirements and mandates, as may be applicable. It is further provided that any person, who is now serving as a capitol hostess, and has been so employed for a period of twelve months immediately preceding the effective date of this act without merit system status, shall become an employee of the bureau with automatic classification under the state merit system as a welcome center worker. The duties of such person shall include assignment to the capitol building as a hostess."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Glass	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Robertson	—30

Nays: —0

And said Bill, H. B. 133, as thus amended by the substitute, was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White

—31

Nays: —0

RESOLUTIONS

Mr. Glass offered the following Senate Resolution, to-wit:

S. R. 99. COMMENDING MRS. AILEEN GILLIS HALL AS AN OUTSTANDING EDUCATOR IN OUR PUBLIC SCHOOLS.

Which was adopted.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 100. SETTING MEETING DATES OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we adjourn on Tuesday, June 12, 1979, we adjourn to meet again on Thursday, June 14, 1979; when we adjourn on Thursday, June 14, 1979, we adjourn to meet again on Tuesday, June 19, 1979; when we adjourn on Tuesday, June 19, 1979, we adjourn to meet again on Thursday, June 21, 1979; when we adjourn on Thursday, June 21, 1979, we adjourn to meet again on Tuesday, June 26, 1979; when we adjourn on Tuesday, June 26, 1979, we adjourn to meet again on Wednesday, June 27, 1979; when we adjourn on Wednesday, June 27, 1979, we adjourn to meet again on Thursday, June 28, 1979; when we adjourn on Thursday, June 28, 1979, we adjourn to meet again on Tuesday, July 10, 1979.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

S. J. R. 96. ESTABLISHING A JOINT LEGISLATIVE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE RISING PRICE OF GASOLINE AND OTHER MOTOR FUELS IN ALABAMA.

The Standing Committee on Rules reported the following amendment to the Resolution, S. J. R. 96, to-wit:

COMMITTEE AMENDMENT TO S. J. R. 96

Amend S. J. R. 96 Page 2 Line 13, by striking out the period after the word "chairman" and add the following: a (,) comma provided, however, all monies appropriated to this committee shall not exceed \$7000.

Which was adopted.

And said Resolution, S. J. R. 96, as thus amended, was then adopted by the Senate.

MOTION IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 437, on page 78 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 437, referred to the Standing Committee on Rules for placement on the Consent Calendar.

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17th Day

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CONSENT CALENDAR
BILLS ON THIRD READING RESUMED

The Bill:

H. 85. To amend Section 41-16-100 of the Code of Alabama 1975.
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith
Bailey	Gulledge	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Harrison	Proctor	Vacca
Clemon	Keener	Robertson	Weeks
Cook	Little	St. John	White
Denton	Martin		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 199. EXPRESSING THE APPRECIATION OF THE LEGISLATURE FOR THE DECATUR AREA HOSPITALITY.

Also:

H. J. R. 200. INVITING MR. DOUGLAS ADAIR TO PARTICIPATE IN FLAG DAY CEREMONIES TO BE HELD IN THE HOUSE CHAMBER ON JUNE 14, 1979.

Also:

H. J. R. 201. TO COMMEND COACH GENE BARTOW ON THE ANNIVERSARY OF HIS SECOND YEAR AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

H. J. R. 202. EXTENDING THE APPRECIATION OF THE ALABAMA LEGISLATURE TO THE HONORABLE LAMAR ALEXANDER, GOVERNOR OF THE STATE OF TENNESSEE.

Also:

H. J. R. 204. NAMING THE ROAD FROM COUNTY ROAD 129 TO MINOR HIGH SCHOOL, IN JEFFERSON COUNTY, THE "CHRISS DOSS ROAD."

Also:

H. J. R. 205. COMMENDING GOVERNOR FOB JAMES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 148. URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE PRESIDENT AND THE ALABAMA CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY STEPS TO RETAIN AMTRAK PASSENGER TRAIN SERVICE IN ALABAMA.

Also:

H. J. R. 158. ENCOURAGING THE PRESIDENT OF THE UNITED STATES, THE ALABAMA CONGRESSIONAL DELEGATION, THE SECRETARY OF AGRICULTURE, AND THE SECRETARY OF ENERGY TO PROMOTE AND ADOPT A NATIONAL POLICY OF A BUSHEL OF WHEAT FOR A BARREL OF OIL.

Also:

H. J. R. 189. CREATING A SELECT JOINT COMMITTEE TO STUDY THE IMPORTATION OF ILLEGAL DRUGS INTO ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to the provision of H. J. R. 189, the President and Presiding Officer of the Senate announced the appointment of Messrs. Callahan, Figures, and Clemon to the Committee to Study the Importation of Illegal Drugs into Alabama.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 289. To authorize the Director of the Finance Department with the Governor's approval in certain instances to transfer certain assets of the state insurance fund into the general fund.

Mr. Barron offered the following amendment to the Bill, S. B. 289, to-wit:

REGULAR SESSION
17th Day

625

AMENDMENT TO S. B. 289

Amend Senate Bill No. 289 Page 1 Line 26, by striking out the remainder of the sentence after the word "director", and substituting in lieu thereof the following:

"shall transfer all such excess to the state general fund."

Mr. Pearson moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 17.

Yeas:

Messrs.:	McDonald	Pearson	White	
Martin	Mitchem	St. John		—6

Nays:

Messrs.:	Denton	Keener	Proctor	
Barron	Goodwin	Kirkland	Robertson	
Britnell	Hall	Little	Taylor	
Callahan	Harrison	Miller	Vacca	
deGraffenried	Holmes			—17

And said amendment to the Bill, S. B. 289, was then adopted.

Yeas 21; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	Proctor	
Barron	Hall	Martin	Robertson	
Britnell	Harrison	Miller	St. John	
Callahan	Holmes	Mitchem	Taylor	
deGraffenried	Keener	Parsons	Vacca	
Denton	Kirkland			—21

Nays: Messrs.: McDonald, White. —2

Mr. Barron then offered the following amendment to the Bill, S. B. 289, as amended, to-wit:

AMENDMENT TO S. B. 289, AS AMENDED

Amend Senate Bill No. 289 Page 1 Line 17, by striking out "authorize" after the word "to" and inserting in lieu thereof the word "direct", and by striking the first four words on line 18.

Also amend Senate Bill No. 289 Page 1 Line 8, by striking out "authorizes" after the word "bill" and inserting in lieu thereof the word "directs"; and by striking out on line 9 the words "with the Governor's approval" after the word "Department"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Miller	Smith
Callahan	Hall	Mitchem	Taylor
deGraffenried	Harrison	Parsons	Vacca
Denton	Holmes	Pearson	Weeks
Figures	Keener	Proctor	White

—27

Nays:

—0

Mr. Pearson moved that further consideration of the Bill, S. B. 289, be postponed until the 21st Legislative Day, which motion was lost.

Yeas 10; Nays 14.

Yeas:

Messrs.:	Hall	Parsons	Smith
Clemon	McDonald	Pearson	White
Figures	Mitchem	St. John	

—10

Nays:

Messrs.:	deGraffenried	Keener	Robertson
Barron	Denton	Little	Taylor
Britnell	Goodwin	Miller	Weeks
Callahan	Harrison	Proctor	

—14

Mr. Pearson then offered the following amendment to the Bill, S. B. 289, as amended, to-wit:

AMENDMENT TO S. B. 289, AS AMENDED

Amend Senate Bill No. 289 Page 1 Line 34, by inserting the numbers after the word effective "in 1999" and striking out the word "immediately" on line 35

On motion of Mr. St. John, further consideration of the Bill, S. B. 289, as amended, and pending amendment, was postponed until the next Legislative Day.

The Bill:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Britnell	deGraffenried	Glass
Bailey	Callahan	Denton	Goodwin
Barron	Cook	Figures	Gulledge

Hall	Kirkland	Miller	St. John
Harrison	Lemaster	Parsons	Teague
Higginbotham	Little	Pearson	Vacca
Holmes	Martin	Robertson	White
Keener	McDonald		

—29

Nays: —0

The Bill:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other nonconforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

was taken up.

Mr. Callahan offered the following substitute for the Bill, S. B. 247, to-wit:

SUBSTITUTE FOR S. B. 247

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other non-conforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, are hereby amended to read as follows:

"§ 23-1-271. For the purposes of this division, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) Business Area. Any part of an adjacent area which is at any time zoned for business, industrial or commercial activities under the authority of any law of this state; or not zoned, but which constitutes an unzoned commercial or industrial area as defined in this section.

"(2) Centerline of the highway. A line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

"(3) Director. The State of Alabama highway department.

"(4) Adjacent area. An area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

"(5) Erect. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the sign structure.

"(6) Interstate highway. Any highway at any time officially designated as part of the national system of interstate and defense highways by the director and approved by the appropriate authority of the federal government.

"(7) Maintain. To allow to exist.

"(8) Primary highway. Any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the director and approved by the appropriate authority of the federal government.

"(9) Sign. Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

"(10) An unzoned commercial, business or industrial area. The land occupied by the regularly used building, parking lot, storage or processing area of a commercial, business, or industrial activity, and the land within 600 feet thereof on each side of the highway. The unzoned area shall not include:

"a. Land on the opposite side of an interstate or primary freeway highway from an unzoned commercial, business, or industrial area as defined above;

"b. Land predominantly used for residential purposes;

"c. Land zoned by state or local law, regulation or ordinance;

"d. Land on the opposite side of a non-freeway primary highway which is determined scenic by the department of highways.

"All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, unless said property lines coincide with the limits of the regularly used buildings, parking lots, storage or processing areas and shall be along or parallel to the edge or pavement of the highway.

"(11) Commercial or industrial activities for purposes of unzoned industrial and commercial areas. Those activities generally recognized as commercial or industrial by local zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial.

"a. Outdoor advertising structures;

"b. Agricultural, forestry, ranching, grazing, farming and similar activities, including but not limited to, wayside fresh produce stands;

"c. Activities normally or regularly in operation less than three months of the year;

"d. Transient or temporary activities;

"e. Activities not visible from the main-traveled way;

"f. Activities more than 660 feet from the nearest edge of the right-of-way;

"g. Activities conducted in a building principally used as a residence;

"h. Railroad tracks and minor sidings; or

"i. Areas which are predominantly used for residential purposes.

"(12) Safety Rest Areas. An area or site established or maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

"(13) Information Center. An area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the director may consider necessary.

"(14) Main-traveled Way. The through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

"(15) Urban Area. An urbanized area so designated by the bureau of the census, within boundaries fixed by responsible state and local officials, subject to approval by the secretary of the United States department of transportation, or an urban place as designated by the bureau of the census having a population of five thousand or more and not within any urbanized area, within boundaries fixed by responsible state and local officials, subject to approval by the secretary of the United States department of transportation.

"(16) Motorist Directional Signs. Any signs, displays or devices giving directional information pertaining to food services, lodging, gasoline and automotive services, resorts, attractions, campgrounds, truck stops, natural wonders, scenic and historical sites, and areas suited for outdoor recreation.

"(17) Removing Authority. Any governmental entity.

23-1-272. Declaration of policy.

"The legislature hereby finds and declares:

"(1) That outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways;

"(2) That the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to interstate highways and primary highways should be regulated in order to protect the public investment in such highways, to promote the recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of such signs, displays and devices;

"(3) That outdoor advertising is an integral part of the business and marketing function and an established segment of the national economy and should be allowed to operate in business areas; and

"(4) Regulatory standards set forth in section 23-1-274 are consistent with customary use in this state and will properly and adequately carry out each and all of the purposes of this division.

"(5) Motorist directional signs are essential to the economic interests of the state and the interests of the traveling public; therefore, no motorist directional sign, not otherwise permitted under section 23-1-273, shall be removed on a statewide basis, unless by mutual agreement between the sign owner and the state highway department, until all other non-conforming signs are removed.

23-1-273. No sign shall, subject to the provisions of section 23-1-274, be erected or maintained in an adjacent area after February 10, 1972, nor shall any outdoor advertising sign, display or device with the purpose of its message being read from the main traveled way of an interstate highway or primary highway, be erected after April 11, 1978, outside of an urban area beyond 660 feet of the nearest edge of right-of-way of an interstate or primary highway, except the following:

"(1) Directional and official signs, including but not limited to, signs pertaining to natural wonders, scenic and historical attractions, safety rest areas and information centers, which are authorized by the director, under promulgated rule, and which comply with regulations promulgated by the director relative to their lighting, size, number, spacing, and other such requirements as may be appropriate to implement this division, provided, that such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the secretary of transportation of the United States pursuant to subsection (c) of section 131, of Title 23, United States Code.

"(2) Signs lawfully in existence on October 22, 1965, determined by the state, subject to the concurrence of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance, the preservation of which would be consistent with the purposes of this section.

"(3) Signs advertising the sale or lease of property upon which they are located.

"(4) Signs advertising activities conducted on the property on which they are located. For the purpose of this subdivision, the promotion of activities at other locations or the dissemination of information about activities conducted upon other property shall not be considered activities conducted on the property on which a sign is located.

"(5) Signs located in business areas on February 10, 1972, and signs to be erected in business areas subsequent to February 10, 1972, which were erected, will comply with the provisions of section 23-1-274; provided that no advertising, sign, display or device with the purpose of its message being read from the main traveled way shall be erected after April 11, 1978, outside an urban area beyond 660 feet of the edge of the right-of-way of an interstate or primary highway, whether located in a business area or not.

"(6) Signs or devices which advertise or designate exclusively the location of the facilities of any public utility located along the interstate or primary highway for the convenience or protection of the using public or the protection of the facilities of the public utility.

"(7) Motorist directional signs lawfully erected and in existence on May 5, 1976, which do not conform to requirements of present state laws and whose removal would work a substantial economic hardship in a specific or defined area. The state highway department, upon receipt of a petition, declaration or resolution from any state, county or municipal agency, or from any industry association or any group of private business persons or their employees, claiming that the removal of such motorist directional signs, would work a substantial economic hardship in specific or defined areas, shall forward such petition, declaration or resolution to the United States secretary of transportation to approve retention of such motorist directional signs.

23-1-280. Just compensation shall be paid by the removing authority upon the removal of any of the following signs which are not then in conformity with the provisions of this division whether or not removed pursuant to or because of the provisions of this division:

"(1) Signs lawfully in existence on February 10, 1972.

"(2) Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after February 10, 1972.

"(3) Outdoor advertising signs, displays or devices erected with the purpose of their message being read from the main traveled way of any interstate highway or primary highway erected outside of an urban area and beyond 660 feet of the edge of the right-of-way of such interstate or primary highway erected prior to April 11, 1978, and not otherwise lawful under section 23-1-273, as amended.

"(4) Signs lawfully erected on or after February 10, 1972.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs:	Figures	Keener	Robertson
Bailey	Goodwin	Kirkland	St. John
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Harrison	Martin	Teague
Clemon	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	White
Denton			

—28

Nays:

—0

And said Bill, S. B. 247, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Robertson
Bailey	Figures	Keener	St. John
Barron	Goodwin	Kirkland	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	Martin	Vacca
Clemon	Harrison	McDonald	Weeks
Cook	Higginbotham	Mitchem	White
deGraffenried			—28

Nays: —0

The Bill:

S. 314. To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

was taken up.

Mr. Keener offered the following amendment to the Bill, S. B. 314 to-wit:

AMENDMENT TO S. B. 314

Amend Senate Bill No. 314 Page 3 Line 20, by striking out the phrase "physical force" on line 20 and the comma on line 22 and the word "on" on line 22.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Holmes	Miller	Teague
Britnell	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster	Robertson	White
Figures	Little	St. John	—26

Nays: —0

Mr. Smith offered the following amendment to the Bill, S. B. 314, as amended, to-wit:

AMENDMENT TO S. B. 314, AS AMENDED

Amend Senate Bill No. 314 Page 5 Line 13 & 14, by striking out the words underlined.

On motion of Mr. St. John, said amendment was laid on the table.

Mr. Figures offered the following amendment to the Bill, S. B. 314, as amended, to-wit:

AMENDMENT TO S. B. 314, AS AMENDED

Amend Senate Bill No. 314 Page 4 Line 24, by inserting after the word "to" the words:

"persons being arrested or to"

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Denton	Keener	St. John
Bailey	Figures	Little	Taylor
Barron	Goodwin	McDonald	Teague
Britnell	Gulledge	Miller	Vacca
Callahan	Hall	Parsons	Weeks
Clemon	Higginbotham	Pearson	White
deGraffenried	Holmes		

—25

Nay: Mr. Harrison. —1

Mr. Figures then offered the following amendment to the Bill, S. B. 314, as amended, to-wit:

AMENDMENT TO S. B. 314, AS AMENDED

Amend Senate Bill No. 314 Page 6 Line 21, by inserting a ",", after "(1)(a)" and after the word (2) (a) or words," or (6) (b)

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Clemon	Higginbotham	Parsons	Weeks
deGraffenried	Keener	St. John	White
Denton	Little		

—25

Nay: Mr. Harrison. —1

Mr. Keener offered the following amendment to the Bill, S. B. 314, as amended, to-wit:

AMENDMENT TO S. B. 314, AS AMENDED

Amend Senate Bill No. 314, Page 3, line 26 after the word "or" by inserting the following words:

"violation of a"

and on line 28 after the word "on" by inserting the words "violation of a"

and on line 33 by inserting after the word "or" the following words: "violation of a"

and on line 36 by inserting after the word "or" the following words: "violation of a"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Parsons	
Bailey	Goodwin	Kirkland	St. John	
Barron	Gulledge	Little	Smith	
Britnell	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
				—27

Nays: —0

Mr. Little offered the following amendment to the Bill, S. B. 314, as amended, to-wit:

AMENDMENT TO S. B. 314, AS AMENDED

Amend Senate Bill No. 314 Page 4, by inserting the lines numbered 36, 37, 38, which have been lined out

On motion of Mr. St. John said amendment was laid on the table.

Yeas 24; Nays 4.

Yeas:

Messrs.:	Harrison	Martin	Smith	
Bailey	Higginbotham	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
deGraffenried	Kirkland	Robertson	Weeks	
Denton	Lemaster	St. John	White	
Goodwin				—24

Nays:

Messrs.:	Figures	Little	Pearson	
Clemon				—4

And said Bill, S. B. 314, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 3.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
Callahan	Higginbotham	Miller	Vacca	
Cook	Holmes	Mitchem	Weeks	
deGraffenried	Keener	Parsons	White	
Denton	Kirkland	Robertson		—30

Nays: Messrs.: Clemon, Figures, Pearson. —3

On motion of Mr. Kirkland, unanimous consent was granted to add the names of Messrs. Kirkland, Mitchem, White, Smith, Cook, Gulledge, Goodwin, Harrison, Hall, Barron, Britnell, Holmes, Lemaster, Martin, and Miller as co-sponsors of the above Bill, S. B. 314.

The Bill:

S. 316. To amend Sections 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3242, 4243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, and 5530 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 316, to-wit:

COMMITTEE AMENDMENT NO. 1 TO SENATE BILL NO. 316

Amend Senate Bill No. 316, Section 3203, pages 6 and 7 of said bill, relating to the theft of property in the second degree, as follows:

On page 7, after subsection (f), which ends on line 17, add subsection (g) to read as follows:

"(g) The theft of any livestock which includes cattle, swine, horses, mules, asses, or sheep, regardless of their value, constitutes theft of property in the second degree.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith
Bailey	Gulledge	Little	Taylor
Barron	Hall	Martin	Teague
Britnell	Harrison	Mitchem	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Robertson	White
Denton	Keener	St. John	

—26

Nays:

—0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 316, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2
TO SENATE BILL 316, AS AMENDED

Amend S. 316 as follows:

On page 1, after line 10, by inserting the following:

Section 125. Other Limitations on Applicability.

On page 2, line 9, by inserting, after the word "Sections" the number 125, followed by a comma.

On page 2, line 20, by inserting after the word "Sections" the number 125 followed by a comma.

On page 2, after line 24, by inserting the following language:

"Sec. 125. Other Limitations on Applicability, Method of Prosecution when Conduct Constitutes More Than One Offense.

"(a) (1) Except as otherwise provided herein, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this act.

"(2) This act does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this act.

"(b) When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if:

"(1) One offense is included in the other, as defined in Section 126; or

"(2) one offense consists only of a conspiracy or other form of preparation to commit the other; or

"(3) inconsistent findings of fact are required to establish the commission of the offenses; or

"(4) the offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct."

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Bailey	Goodwin	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
Callahan	Harrison	Miller	Vacca
Clemon	Higginbotham	Mitchem	Weeks
Cook	Holmes	Parsons	White
deGraffenried	Keener	Robertson	—30

Nays: —0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 316, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 316, AS AMENDED

In the title, on page 2, line 11, strike the word "and", insert a comma after the figure "5530" and add the following figures:

6106, 6110 and 6115

In Section 1, on page 2, line 22, strike the word "and", and insert a comma after the figure "5530" and add the following figures:

6106, 6110 and 6115

In Section 1, on page 13, after line 10 before Section 2 begins, add the following:

"Section 6106. Promoting Gambling.

"(1) A person commits the crime of promoting gambling if he knowingly advances or profits from unlawful gambling activity otherwise than as a player.

"(2) Promoting gambling is a Class C felony A misdemeanor.

"Section 6110. Conspiracy to Promote Gambling.

"(1) A person commits the crime of conspiracy to promote gambling if he conspires to advance or profit from gambling activity otherwise than as a player.

"(2) 'Conspire' means to engage in activity constituting a criminal conspiracy as defined in Section 1015.

"(3) Conspiracy to promote gambling is a Class C felony A misdemeanor.

"Section 6115. Possession of Gambling Records in the First Degree.

"(1) A person commits the crime of possession of gambling records in the first degree if with knowledge of the contents thereof, he possesses any writing, paper, instrument or article:

"(a) Of a kind commonly used in the operation or promotion of a book-making scheme or enterprise, and constitution, reflecting or representing more than five bets, or more than \$500; or

"(b) Of a kind commonly used in the operation, promotion or playing of a lottery or mutual scheme or enterprise, and constituting, reflecting or representing more than five plays or chances therein.

"(2) Possession of gambling records in the first degree is a Class C felony A misdemeanor."

On motion of Mr. deGraffenried, said amendment was laid on the table.

Yeas 26; Nays 2.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Glass	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Kirkland	Pearson	

—26

Nays: Messrs.: Goodwin, Keener. —2

And said Bill, S. B. 316, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	Martin	St. John	
Barron	Higginbotham	McDonald	Taylor	
Britnell	Holmes	Miller	Teague	
Callahan	Keener	Mitchem	Weeks	
deGraffenried	Kirkland	Parsons	White	
Denton	Lemaster			—25

Nay: Mr. Pearson. —1

On motion of Mr. St. John, unanimous consent was granted to add the names of Messrs. Kirkland, Hall, Holmes, Gulledge, Little, and Miller as co-sponsors of the above Bill, S. B. 316.

MOTION IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 61, on page 73 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 61, referred to the Standing Committee on Rules for placement on the Consent Calendar.

ADJOURNMENT

At 6:45 P.M., on motion of Mr. Pearson, the Senate adjourned until Thursday, June 14, 1979, at 10:30 A.M.

EIGHTEENTH LEGISLATIVE DAY

THURSDAY, JUNE 14, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Arthur Grimes, Minister of Music and Education, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

—33

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Hall and McDonald for today.

RECESS

At 10:50 A.M., Mr. St. John moved that the Senate take a recess to attend a Joint Session in accordance with the provisions of H. J. R. 200, which motion was adopted.

JOINT SESSION

At 11 o'clock A.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of attending Flag Day ceremonies and the address of the Honorable Douglas Adair.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Douglas Adair was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate reassembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Denton, Gullede, Martin, Vacca, Britnell, Miller, Weeks, Little, Goodwin, Barron, Robertson, Lemaster, Taylor, Cook, Keener, White, Holmes, Proctor, and St. John:

S. 494. To make illegal obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; to prescribe penalties.

Committee on Judiciary.

By Mr. St. John:

S. 495. To provide for a durable power of attorney that may survive death or disability of the principal.

Committee on Judiciary.

By Mr. Vacca (with notice and proof):

S. 496. To amend Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) providing for the incorporation of a municipal parking authority as a public corporation in any city of the state having a population of 300,000 or more, according to the last or any subsequent federal census, so as to grant additional powers to such authority.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 496, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Messrs. deGraffenried, Denton, Mitchem, Callahan, Higginbotham, Barron, Martin, St. John, Smith, Little, Gullede, Robertson, Goodwin, Britnell, Teague, Harrison, Kirkland, Lemaster, Holmes, Keener, Parsons, White, Vacca, Weeks, Bailey, and Proctor:

S. 498. To amend Section 4045 of Act No. 770, H. 10, Regular Session 1978 (Acts of Alabama 1978, p. 1110), to change the crimes of Illegal Possession of and Fraudulent use of a credit card or debit card from Class A misdemeanors to Class C felonies.

Committee on Judiciary.

By Messrs. deGraffenried and Clemon:

S. 499. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Robertson, St. John, and deGraffenried:

S. 500. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by \$1,000,000.

Committee on Finance and Taxation.

By Mr. Little:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

Committee on Governmental Affairs.

By Mr. Little:

S. 502. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Committee on Judiciary.

By Mr. Little:

S. 503. To provide for the implementation of United States Public Law 94-458, General Authorities Bill, authorizing the Secretary of Interior to relinquish to a State part of the legislative jurisdiction of the United States over National Park Service lands located in that State, and authorizing the Secretary of Interior to accept concurrent jurisdiction over National Park Service lands when the State relinquishes part of its legislative jurisdiction over such lands.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Barron and Teague:

S. 504. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

Committee on Judiciary.

By Mr. Miller:

S. 505. To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of *Aspergillus flavus* or freeze damage.

Committee on Agriculture, Conservation,
and Forestry.

(The above Bill was read a first time at length as required by the Constitution.)

By Mr. Miller:

S. 506. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indemnification for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indemnification program.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Teague:

S. 507. To prescribe the base pay of state troopers of the department of public safety to be eighty percent (80%) of the base pay of district judges of the State of Alabama.

Committee on Finance and Taxation.

By Messrs. Glass and Figures:

S. 508. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded or physically handicapped persons from living in a

natural residential environment; to further define the term "single family residence" as it appears in zoning laws or ordinances to include certain groupings of mentally retarded or physically handicapped persons; and to give the state health department authority to enforce the provisions of this Act.

Committee on Health and Welfare.

By Mr. deGraffenried:

S. 509. To make a conditional appropriation to the district attorneys of the several judicial circuits of this state.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 510. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other officers, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

Committee on Judiciary.

By Messrs. Kirkland, Robertson, and Parsons:

S. 511. To rename the board of corrections the department of corrections.

Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to the provisions of H. J. R. 51, Act 79-71, the Speaker of the House appointed Reps. Whatley, Dixon, and Holley to the Committee to Study the Feasibility of Constructing a Building to House the Highway Department and Converting the Present Building for Legislative and Other Departmental Use.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to the provisions of H. J. R. 24, Act 79-78, the Speaker of the House appointed Messrs. Barton, Cabaniss, and Dial to the Committee to study the State Income Tax Structure.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to the provisions of H. J. R. 37, Act 79-64, the Speaker of the House appointed Messrs. Grouby, Buskey, and Carothers to the Committee to study Additional Legislative Office Space.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to the provisions of S. J. R. 40, Act 79-171, the Speaker of the House appointed Reps. Bedsole, Ward, and Johnson (R. G.), to the Committee to Study the Operation of All State Cafeterias.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to the provisions of H. J. R. 61, Act 79-76, the Speaker of the House appointed Reps. Olive, Manley, Campbell, and Hammett to the Joint Interim Committee to Study Salaries and Related Matters.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 211. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 14, 1979, we adjourn to meet again on Tuesday, June 19; when we adjourn on Tuesday, June 19, we adjourn to meet again on Thursday, June 21; when we adjourn on Thursday, June 21, we adjourn to meet again on Tuesday, June 26; when we adjourn on Tuesday, June 26, we adjourn to meet again on Thursday, June 28; when we adjourn on Thursday, June 28, we adjourn to meet again on Monday, July 2; when we adjourn on Monday, July 2, we adjourn to meet again on Tuesday, July 3; when we adjourn on Tuesday, July 3, we adjourn to meet again on Tuesday, July 10; when we adjourn on Tuesday, July 10, we adjourn to meet again on Wednesday, July 11; when we adjourn on Wednesday, July 11, we adjourn to meet again on Thursday, July 12; when we adjourn on Thursday, July 12, we adjourn to meet again on Tuesday, July 17; when we adjourn on Tuesday, July 17, we adjourn to meet again on Thursday, July 19; when we adjourn on Thursday, July 19, we adjourn to meet again on Monday, July 30, all dates herein set being in the year 1979; and when we adjourn on July 30, 1979, we adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 211, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

Also:

H. 657. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the streets or sidewalks or private property within the City of Tuskegee to be a public nuisance, and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Also:

H. 659. To authorize the establishment of branch banks in Macon County.

Also:

H. 660. Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body if requested; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

Also:

H. 670. Relating to Calhoun County; to amend section 7 of Act No. 384, H. 946, Regular Session 1969 (Acts 1969, p. 754) relating to applicants for employment in the sheriff's department, so as to further provide for application procedures with the civil service board of Calhoun County.

Also:

H. 671. Relating to Calhoun County; to amend section 3 of Act No. 274, H. 990, Regular Session 1975, p. 809) which relates to the composition of the civil service board of Calhoun County, so as to further provide for membership in said board.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 85. To amend Section 41-16-100 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

By Reps. Biddle and Sasser:

H. J. R. 213. URGING THE FEDERAL COMMUNICATIONS COMMISSION TO REJECT ANY PROPOSAL FOR REDUCED COVERAGE THAT WOULD ADVERSELY AFFECT WSM RADIO IN NASHVILLE, TENNESSEE, AND ITS BROADCAST OF THE GRAND OLE OPRY.

WHEREAS, The Grand Ole Opry is the nation's oldest, live, continuous radio program and, for 53 years, has provided listeners in some 34 states with authentic American music and humor that is such an integral part of our proud heritage; and

WHEREAS, each week, The Grand Ole Opry, broadcast over WSM Radio in Nashville, Tennessee, brings wholesome entertainment to millions of American Families; and

WHEREAS, the Federal Communications Commission is considering staff recommendations that would seriously reduce the coverage of the nation's clear channel radio stations and one such proposal, affecting WSM, would mean that those living or traveling more than 100 miles from Nashville, Tennessee, would no longer be able to hear the weekly broadcasts of The Grand Ole Opry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Federal Communications Commission to reject any and all reduced coverage proposals that would affect the clear channel status of WSM Radio in Nashville, Tennessee, thereby reducing coverage of its broadcast of The Grand Ole Opry.

BE IT FURTHER RESOLVED, That we wholeheartedly support H. R. 1913, now before the United States House of Representatives, that would keep the Opry in its present form for future generations.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Secretary of the Federal Communications Commission in Washington, D. C., to each member of the Alabama Congressional Delegation, to Governor Lamar Alexander of Tennessee and to the officials of both The Grand Ole Opry and of WSM Radio in Nashville, Tennessee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 213, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 313. Relating to Washington County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 179. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, June 7, 1979, we adjourn to meet again on Tuesday, June 12, 1979; and when we adjourn on Tuesday, June 12, we adjourn to meet again on Thursday, June 14, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 179, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Wyatt:

H. J. R. 209. TO ESTABLISH A STUDY COMMITTEE ON THE PROCESS OF PASSING LOCAL LEGISLATION.

WHEREAS, the Supreme Court of Alabama has declared a local Montgomery County law unconstitutional on grounds that it did not receive the required number of votes even after it passed with all members from Montgomery voting in the affirmative; and

WHEREAS, it is possible all local laws passed under the same conditions may be unconstitutional; and

WHEREAS, any local contested law will require the politicing of the entire Legislature; and

WHEREAS, the administration, Legislators not in the local delegation and other lobbyist groups can now determine local legislation even against the will of the local legislators or the local people; and

now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does hereby create a committee of 15 members to study this problem and report its recommendations to the Legislature by the 1st Legislative day after July 1, 1979.

BE IT FURTHER RESOLVED, That this committee will be made up of 8 members of the House of Representatives to be appointed by the Speaker and 7 members of the Senate to be appointed by the Lt. Governor

BE IT FURTHER RESOLVED, That the members of this committee shall receive no extra compensation and said committee shall not continue to function after the end of the 1979 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 209, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drinkard, Jackson, Zoghby, Shoemaker, Turnham, Cosby, Cooley, Blake, McCorquodale, Roberts, Cabaniss, Willis, Williams, Shavers, Hall, Albright, Gilmer, Payne, Moore, Stout, Adams (H), McKee, Daniels, Grouby, Minus, Johnson (Roy), Biddle, Bedsole, Campbell, Sasser, Clark, Whatley, Laird, Adams (C), Ward, Venable, Dixon, Penry, Warren, Bowling, Waggoner, Naramore, Patton, Cobb, Brakefield, Harvey, Gafford and Kelley:

H. 283. To amend Section 16-60-88 of the Code of Alabama 1975 relating to determination of location of trade schools and junior colleges so as to provide that such determination be subject to approval of the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 283. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
ON HOUSE BILL 324

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 324 have met and agreed on the bill. A copy of the bill as agreed upon by the members of the Conference Committee is attached hereto:

REP. WALTER OWENS

REP. RICHARD S. MANLEY

REP. JAMES G. SASSER

SENATOR J. RICHMOND PEARSON

SENATOR FINIS E. ST. JOHN, III

SENATOR ALBERT McDONALD

CONFERENCE COMMITTEE SUBSTITUTE FOR H. 324

A BILL
TO BE ENTITLED
AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1979, the following:

For transfer to the State Board of Corrections

For salaries and other expenses \$3,800,000

For transfer to the Medical Services Administration

For medical assistance through the Medicaid Program 8,500,000

For the Office of the Attorney General
 For salaries and other expenses 500,000
 For the State Legislature
 For salaries and other expenses of the Legislature 850,000
 For transfer to the Alabama Travel Council 25,000
 For the Department of Civil Defense 200,000
 For transfer to the Alabama Historical Commission—For Restoration of
 the Capitol 1,300,000

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 324, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	St. John	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	Miller	Taylor	
Britnell	Harrison	Mitchem	Teague	
Callahan	Higginbotham	Parsons	Weeks	
deGraffenried	Holmes	Proctor	White	
Denton	Keener	Robertson		—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 133. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 109, without his signature and approval and with a suggested Executive Amendment.

Respectively submitted,

JAMES E. FOY,
Executive Secretary.

Done this 14th day of June, 1979.

To the House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 109 without my signature and approval and with the following suggested Executive Amendments.

Amend Substitute for House Bill 109, Section 1, page 4, line 28, by inserting after the word "president" the following:

"in accord with the provisions of Section 15-5-6 Code of Alabama, 1975."

I further suggest that Section 1, page 7, line 35 be amended by deleting the word "emotional".

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor to the Bill, H. B. 109, by a vote of a majority of the whole number elected to the House, said votes being: Yeas 70, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 67, Nays 0.

And said Bill, H. 109, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Proctor, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 109, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Robertson
Bailey	Goodwin	Kirkland	Smith
Barron	Gulledge	Little	Taylor
Britnell	Harrison	Miller	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Roimes	Proctor	White
Denton			

—24

Nays:

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan, Manley, McCorquodale, Biddle, Bedsole, Penry, Harper, Stewart, Parker, Zoghby, Owens and Smith (C):

H. 234. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 234. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry, Smith (C) and Whatley:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 327. To the Committee on Agriculture, Conservation, and Forestry.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 101. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 18th Legislative Day:

Bill No.	Page No.	Description
S. B. 142	40	CA: Ad valorem prop. taxes
S. B. 362	48	Generic Drugs
S. B. 23	49	LP Gas Regulation
S. B. 251	25	AL Goodwill Industries, tax exempt
S. B. 157	26	"Cost of Evid.", ABC Board
S. B. 20	3	Reg. of Sale of cert. school courses
H. B. 242	49	Small Loan
S. B. 220	6	Real Estate Commission
S. B. 204	17	East AL Serv. for Eld.
S. B. 205	18	Auburn Heritage Assoc.
S. B. 208	18	AM Diabetes Assoc., AL aff., Inc.
S. B. 4	19	Our Ladies of Angels Monas. tax exempt
S. B. 130	19	Allen Memorial Home, Inc., tax exempt

S. B. 131	20	Little Sisters of the Poor Home for Aged, Inc.
S. B. 133	20	Mobile Soc. of St. Vi. de Paul tax exempt
S. B. 28	22	Garden Club of AL, Inc. tax exempt
S. B. 53	22	Kidney Foundation of AL, Inc. tax exempt
S. B. 65	23	Tusc. Jr. League of AL tax exempt
S. B. 116	23	Cert. Char. org. tax exempt
S. B. 216	24	Mtg. Dix. Youth Baseball tax exempt
S. B. 241	25	Hi-Pine Water and Fire Proc. Tax exempt
S. B. 261	26	Nat. Peanut Fes. Assoc., tax exempt
S. B. 129	66	Villa Mercy, Tax exempt
H. B. 66	42	Oil and gas well permit fees
S. B. 187	30	Auth. for out-of-state travel
S. B. 50	37	AL Admn. Proc. Act
S. B. 138	15	Cert. mobile homes, reg & id.
H. B. 66	62	Seeds. Comp., Inv. Com. act.

Mr. Little offered the following substitute for the Resolution, S. R. 101, to-wit:

LITTLE SUBSTITUTE FOR S. R. 101

RESOLVED BY THE SENATE That the following business in the order named be the special paramount order of business upon reaching bills on 3rd reading for the 18th Legislative Day:

Bill No.	Page No.	Description
S. B. 220	6	Real Estate Commission
S. B. 37	7	Left turn on red under cert.
S. B. 20	3	Reg. of sale of cert. school courses
S. B. 187	31	Auth. for out-of-state travel
S. B. 50	38	AL Admn. Procedure Act
S. B. 138	15	Cert. mobile homes, reg. & id.
S. B. 221	9	Pesticide Residue Lab., AU, powers
S. B. 157	27	"Cost of Evidence Fund" ABC Board
S. B. 197	28	Jax State, title transfer
S. B. 90	36	Descent & dist. or real estate of intestate
S. B. 284	34	Driver License Med. Adv. Bd.
S. B. 100	1	Amending Ins. Code, Standard Nonforfeiture Law
S. B. 198	15	Locomotive engineers, duties (S. 194)

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S. B. 334 34 Unitization orders, def.
S. B. 335 35 St. Oil & Gas Bd. Bldg., new wing named
S. B. 338 35 Oil redefined

On motion of Mr. Harrison, said substitute was laid on the table.

Yeas 27; Nays 4.

Yeas:

Messrs.:	Denton	Holmes	St. John
Bailey	Figures	Keener	Smith
Britnell	Glass	Martin	Taylor
Callahan	Goodwin	Miller	Teague
Clemon	Gulledge	Mitchem	Vacca
Cook	Harrison	Pearson	Weeks
deGraffenried	Higginbotham	Proctor	White

—27

Nays: Messrs.: Barron, Kirkland, Little, Robertson. —4

And said Resolution, S. R. 101, was then adopted by the Senate.

Yeas 28; Nays 4.

Yeas:

Messrs.:	Figures	Keener	St. John
Bailey	Glass	Martin	Smith
Britnell	Goodwin	Miller	Taylor
Callahan	Gulledge	Mitchem	Teague
Clemon	Harrison	Parsons	Vacca
Cook	Higginbotham	Pearson	Weeks
deGraffenried	Holmes	Proctor	White
Denton			

—28

Nays: Messrs.: Barron, Kirkland, Little, Robertson. —4

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 133. To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employment for the employees of such centers.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Messrs. Martin, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Resolution, to-wit:

S. R. 102. EXPRESSING APPRECIATION TO LIEUTENANT GOVERNOR JOHN S. WILDER OF TENNESSEE.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 43. Relating to the membership of the State Board of Agriculture and Industries; to amend §§ 2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 43, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. NO. 43

Amend Senate Bill No. 43 on page 1, in the Title, in line 23, after the word "the" by deleting the following words: "Dean and Director of the School of Agriculture and" and inserting in lieu thereof the following language: Administrative Head of Agriculture and Director of

Further amend Senate Bill No. 43 on page 1, Section 1, in line 32, by inserting after the words "agriculture and industries" and before the word "which" the following language: composed of eleven members

Further amend Senate Bill No. 43 on page 1, Section 1, in line 35, after the words "Auburn University, the" by deleting the following words: "dean and director of the school of agriculture and" and inserting in lieu thereof the following language: administrative head of agriculture and director of

Yeas 28; Nays 0.

Yeas:

Messrs.:	Callahan	Denton	Goodwin
Barron	Cook	Figures	Gullledge
Britnell	deGraffenried	Glass	Harrison

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Higginbotham	Martin	Proctor	Teague
Holmes	Miller	St. John	Vacca
Keener	Mitchem	Smith	Weeks
Kirkland	Pearson	Taylor	White
Little			—28
Nays:			—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky(with notice and proof):

H. 410. Relating to Mobile County; to provide for an increase in funds from the general funds of the several incorporated municipalities in Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 410, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sandusky, Harper, Stewart and Turner (with notice and proof):

H. 531. Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 531, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sandusky, Harper, Stewart and Turner (with notice and proof):

H. 532. Relating to Mobile County; to amend Section 1 of Act No. 767, H. 411, Regular Session 1973 (Acts 1973, p. 1175), which relates to the salary of the tax assessor, so as to provide further for such salary.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 532, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 691. To amend and revise Act No. 87, #270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of

Probate of said County, (Acts 1955, Vol. 1, page 335,) as last amended by an Act approved May 11, 1977, (Acts 1977 Vol. 1, page 605).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 691, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 690. To authorize the Mobile County Commission to grant a county salary supplement to the Circuit Clerk of the 13th Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 690, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 410, 531, 532, 691, and 690. To the Committee on Local Legislation No. 1.

MOTIONS IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 42, on page 68 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 42, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 401, on page 68 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 401, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (C) (with notice and proof):

H. 682. Relating to Chilton County; to provide further for the salaries of certain county officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 682, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 748. Relating to Washington County; to further provide for a clerk-hire allowance for the county tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 748, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (with notice and proof):

H. 749. Relating to Washington County; to authorize the county commission to pay all fees, dues and related expenses of membership in any professional organization to which the supernumerary tax assessors and supernumerary tax collectors of the county may belong; and to provide for payment of expenses of attendance at certain meetings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 749, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford:

H. 544. Relating to Jefferson County; providing for the powers, duties, functions, qualifications and compensation of an assistant probate judge for said county.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 686. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 686, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser, Ray, Grimsley and Whatley (with notice and proof):

H. 721. To authorize and require the City of Eufaula located in Barbour County to fix rules and regulations for the sale of alcoholic beverages within the premises of any state park located in such City.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 721, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows;

H. B.'s 682, 748, 749, 686, and 721. To the Committee on Local Legislation No. 1.

H. B. 544. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 434. To alter the boundary lines of the municipality of Oxford, Alabama.

JOHN W. PEMBERTON,
Clerk.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Weeks, Miller and Bailey:

S. 97. To exempt the Charles Henderson Child Health Center of Troy, Alabama, from the payment of all state, county and municipal sales and use taxes.

By Mr. Teague:

S. 193. To permit the Legislative Committee on Public Accounts to fix the salary from time to time of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

By Mr. Callahan:

S. 273. To amend Title 16, Section 13, Subsection 1 of the Code of Alabama, 1975 so as to change the fiscal year for all boards of education.

By Mr. St. John:

S. 399. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

By Messrs. Smith and McDonald:

S. 340. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

By Messrs. Kirkland, Parsons, Proctor and Cook:

S. 429. To exempt the American Lung Association of Alabama, the American Lung Association of Southwest Alabama and the Jefferson-Shelby Lung Association from all state, county and municipal sales and use taxes.

By Mr. Little:

S. 430. Relating to taxation; exempting the Society of Alabama Archivists, a non-profit organization, from the levy of all state, county, municipal and local sales tax and use tax.

By Mr. Pearson:

S. 441. To amend Section 40-23-5 of the Code of Alabama 1975 so as to exempt Junior Achievement, Inc., and affiliates in this state from any state, county or municipal sales and use taxes.

By Mr. Pearson:

S. 442. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Teague, Proctor, and Cook (With Substitute):

S. 242. Relating to primary elections; to amend Code of Alabama 1975, Section 17-16-6 so as to provide further for the date of holding primary elections in presidential election years; and to hold primary elections in any other year on the first Tuesday after the first Monday in May and the second primary five weeks thereafter; and to repeal Act No. 681, 1978 Regular Session (now appearing in Code of Alabama 1975, Chapter 18A) which provides for presidential preference primaries.

By Mr. Callahan (With Substitute):

S. 349. To permit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook (With Amendment):

S. 68. To require the department of archives and history to remain open seven days a week for research and tourists.

By Mr. Kirkland (With Amendment):

S. 311. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Substitute):

S. 302. To establish and provide for the cost of resident annual state all game and small game hunting licenses.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Robertson (With Amendment):

S. 427. To amend Section 9-2-14, Code of Alabama 1975, which creates an advisory board of conservation and natural resources so as to increase the appointive membership and the qualifications of the board.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had

acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 306. To provide a new schedule of commercial privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating the provisions of this Act.

By Reps. McMillan, McCorquodale, Biddle and Owens:

H. 235. Relating to illegal nighttime deer hunting; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting to be contraband; and providing for the condemnation and sale thereof for the benefit of the state game and fish fund.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 435. To amend Section 25-4-54 of the Code of Alabama 1975, relating to the Alabama Unemployment Compensation Act, by providing for the transfer of the unemployment benefit experience to a successor employer, if he originally became subject to the provisions of this Act by acquiring a segregable portion of another employer and required another segregable portion after October 1, 1978.

By Mr. Glass:

S. 444. To provide that no employer may knowingly hire an alien who is not entitled to lawful residence in the United States and provides penalties for violation of this act.

By Rep. Holley:

H. 240. To amend section 25-5-50, Code of Alabama 1975, which relates to the applicability of the state workmen's compensation program, so as to allow employers to participate in said program.

Mr. White, Chairman of the Standing Committee, Health and Welfare, reported that said committees, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (With Substitute) (With Amendments):

S. 410. To amend section 34-30-22, Code of Alabama 1975, which relates to the qualifications of applicants for licenses for the practice of social work, so as to provide that certain persons applying for licensing as a bachelor social worker shall not be required to have a baccalaureate degree if they have certain approved practical work experience in the field of social work.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 387. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

By Reps. Edwards, Cates and Gafford:

H. 263. To amend Section 5-1-9, Code of Alabama 1975, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

By Reps. Cates, Gafford and Edwards:

H. 266. To amend Section 5-3-1, Code of Alabama 1975, relating to state banks, so as further to regulate such banks by requiring that certain annual audits be made and be available on bank premises to the superintendent of banks; and to authorize the superintendent of banks to promulgate rules and regulations establishing minimum standards for such audits and reports.

By Reps. Cates, Gafford and Edwards:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

By Reps. Edwards, Cates and Gafford:

H. 262. Relating to regulation of certain transactions with regard to obtaining control of a state bank or of any entity controlling a state bank.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Cates, Gafford and Edwards (With Amendments):

H. 264. To amend Alabama Code of 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hall:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 320. To amend Section 32-5-31, Code of Alabama 1975, so as to provide that certain traffic control devices shall conform to certain standards.

By Mr. Vacca:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin (with notice and proof):

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

By Mr. Gullledge (with notice and proof):

S. 479. Relating to Baldwin County; to provide for the leasing of the oil, gas and mineral rights that are owned by the county on the right-of-way of the Baldwin County road system; and to provide for the disposition of the funds accruing from such leases for public launching ramps.

By Mr. Robertson (with notice and proof):

S. 483. To authorize the county governing body of Tuscaloosa County, Alabama, and the governing body of any municipality in Tuscaloosa County, to enter into long term contracts for the disposal of solid waste, garbage, and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that

the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

By Rep. Turner (with notice and proof):

H. 32. Relating to Washington County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present unit system or revert back to the district or beat line system.

By Rep. Gilmer (with notice and proof):

H. 509. Relating to Lamar County; to provide additional clerical help for the probate judge, tax assessor and tax collector and to provide said act shall take retroactive effect.

By Rep. Cobb (with notice and proof):

H. 665. Relating to Marion County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

By Rep. Holley (with notice and proof):

H. 668. Relating to Coffee County; providing an additional expense allowance for each coroner.

By Rep. Cates (with notice and proof):

H. 729. Relating to Butler County; to provide for the refund of certain contributions to any retirement system by certain former county sheriffs.

By Rep. Cates (with notice and proof):

H. 730. Relating to Butler County; to provide for the night hunting and taking of raccoons and opossums with the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition and/or number six size shot used in shotguns.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Bennett (with notice and proof):

H. 81. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

By Mr. Parsons (with notice and proof):

S. 428. An Act altering, rearranging and extending the boundaries of the City of Pleasant Grove, Jefferson County, Alabama.

By Rep. Harrison, et al, (with notice and proof):

H. 243. To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population

of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Higginbotham:

S. 237. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

By Mr. Denton (With Amendment):

S. 15. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

By Rep. Gafford:

H. 37. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

By Rep. Manley:

H. 291. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 252. Relating to the pension system established by Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 for the employees and officers of Jefferson County; Alabama (Ala. Acts, 1965, pp. 717-739), and relating especially to the payments Section 9 of said Act 497, as amended, requires the members thereof and the County to make to the pension fund established for the operation of the pension system; to authorize the County Commission of Jefferson County, Alabama, to adopt rules providing that any member of the pension system may revoke any limitation which the member has elected to impose on the amount of his monthly salary which shall be

considered for pension purposes, and providing that upon any member's revoking any such limitation his entire monthly salary shall be considered for pension purposes; to provide that such rules may provide for such revocation to apply retroactively; to provide that such rules shall prescribe the payments a member and the County shall make to the pension fund to effect such revocation; to provide that such rules may make such revocation apply retroactively; to provide that such rules shall state the extent to which a member's benefit from the pension system shall be increased as a consequence of such member's electing to become subject to the total salary proviso; and to provide that the County Commission shall be authorized to amend or repeal any such rule.

Also:

S. 29. To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

Also:

S. 43. Relating to the membership of the State Board of Agriculture and Industries; to amend §§ 2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and Administrative Head of Agriculture and Director of the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio members cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

Also:

S. 434. To alter the boundary lines of the municipality of Oxford, Alabama.

DON HARRISON,
Vice-Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Riddick:

H. 182. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

Also:

By Rep. Drinkard:

H. 18. To further amend Code of Alabama, 1975 Section 40-14-70, which pertains to the taxation of corporate shares of stock by providing in the first paragraph for assessment at twenty percent rather than thirty percent; by adding the word, "tangible", before the word, "personal"; by rewriting the section beginning with the second paragraph herein to place the provisions of the section in orderly sequence and in consonance with the amendments that have been previously made to the section; by adding the word, "total" before the word, "value"; by omitting the words, "assessed value", and retaining the words, "book value"; by changing the word, "thirty", to "twenty"; replacing the word, "total", with the word, "assessed"; by adding the phrase, "taxable real and tangible personal property owned, assessed, and on which taxes are to be paid by the corporation as shown by such tax return filed by the corporation in the State of Alabama"; by adding the word, "tangible", before the word, "personal" where appropriate; and by changing the word, "taxation", to the word, "stock"; by changing the provisions for deductions of air or water pollution control devices where the air or water pollution control was caused by the domestic corporation; by allowing a deduction for inventory from such taxation.

Also:

By Rep. Owens:

H. 53. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

Also:

By Rep. Owens:

H. 55. To amend Section 40-17-31, Code of Alabama 1975, which relates to the excise tax on gasoline, so as to increase the minimum amount of annually accumulated excise tax proceeds on aviation fuel, upon which the commissioner of revenue grants a percentage tax reduction.

Also:

By Reps. Langford, Jackson, McKee, Wyatt, Buskey, Warren, Stewart, Kennedy (Y), Smith (J), Hilliard, Amari, Horn, Coburn, Kennedy (C), Dixon, Holmes and Holley:

H. 533. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows

H. B.'s 182 and 533. To the Committee on Judiciary.

H. B.'s 18, 53, and 55. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 152. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Also:

By Rep. Adams (C):

419. To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 152. To the Committee on Governmental Affairs.

H. B. 419. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dial, McCorquodale, Moore, Whatley, Laird, Sandusky, Minus, Willis, McMillan, Shoemaker, Blake, Ward, Adams (C), Smith (C), Adams (H), Letson, Roberts, Carter, Crow, Pegues, Cosby, Edwards, Waggoner, Wyatt, Warren, Naramore, Smith (M), Ray, Grouby, Turner, Clark, Campbell and Kelley:

H. 486. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of \$180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of \$500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester and governor; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to \$180,000.00 per year; and giving retroactive effect to October 1, 1978.

Also:

By Rep. Cates:

H. 314. To require certain minimum deposits into a trust fund of proceeds from sale of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

Also:

By Rep. Biddle:

H. 685. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribes penalties for violations of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 486. To the Committee on Finance and Taxation.

H. B. 314. To the Committee on Governmental Affairs.

H. B. 685. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Hines, Howard, Gafford and Williams:

H. 137. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 137. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kelley and Edwards:

H. 99. To repeal Act 604, Acts of Alabama, 1978, codified as Chapter 23, Title 11, Code of Alabama, 1975, which chapter relates to Industrial Parks.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 99. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 67. To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relate to security protection for certain constitutional officers

and others, so as to require the director of public safety to designate personal security officers for the constitutional officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 67, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 67

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relate to security protection for certain state officers and others, so as to require the director of public safety to designate personal security officers for the state officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-33-1. For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

"(1) Governor-Elect and Lieutenant Governor-Elect and Attorney General-Elect. Such persons as are the apparent successful candidates for the offices of governor and lieutenant governor and attorney general, respectively, as ascertained from the results of any primary or general election held to determine the successors of the governor and lieutenant governor and attorney general.

"(2) Other Officers Next in the Order of Succession to the Office of Governor. The person two persons next in order of succession to act as governor after the lieutenant governor, in accordance with article 5, section 127, Constitution of Alabama of 1901., the president pro tem of the senate and the speaker of the house, each until their successors are elected.

"(3) Protectee of the Department of Public Safety. Such persons as are designated by the governor or the director of public safety to receive protection.

"(4) Executive Security Officers. Any person designated by the director of public safety to protect persons pursuant to subparagraph (1) of this section.

"Section 36-33-2. (a) The department of public safety is authorized required to protect, from the date of his election, throughout his term and for a period of five years after the expiration of his term of office, to protect the

person of the governor of the state of Alabama, the members of his immediate family and the governor-elect; and from the date of their respective elections and throughout their respective terms of office the department of public safety is required authorized to protect the person of the lieutenant governor, or other the next two officers next in order of succession to the officer of governor, the president pro tem of the senate and the speaker of the house, each until their successors are elected, and the lieutenant governor-elect and the attorney general and the attorney general-elect; and, at the direction of the governor or director of public safety, other officials of the state and distinguished visitors to the state. The department of public safety may call on other departments of state government to assist in this protective function. Provided, however, the protection of such state officers shall be at each officer's discretion.

"(6) The director of public safety is empowered to designate any person, with the approval of the respective state officers, from within or without the department of public safety, as executive security officer. All persons so designated shall, during such employment be full-time state employees and shall be entitled to the same benefits as state merit system employees in their rank and grade. Provided, however, no person so designated shall have state merit system status unless the person, prior to his appointment, was classified in the state merit system. They shall be clothed with the powers and authority of peace officers and shall have the power of arrest. Such powers and authority may be exercised within or without the state. The provisions of the Minimum Standards and Training Act shall not be mandatory on such executive security officers and they shall be exempt from compliance therewith. The salary of such officers shall be not more than the highest level for a unit commander of any unit within the department of public safety. The salary of any department of public safety personnel, currently classified in the state merit system, shall not exceed three steps above his earned permanent rank; provided, however, this provision shall not be construed to prohibit any earned promotion. The salary of the executive security officers shall be paid from any funds appropriated for the department of public safety."

Section 2. The provisions of Section 36-21-50 shall have no application to any person acting pursuant to this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Little	Robertson
Bailey	Figures	Martin	St. John
Barron	Glass	Miller	Taylor
Britnell	Goodwin	Mitchem	Teague
Callahan	Gulledge	Parsons	Vacca
Cook	Harrison	Pearson	White
deGraffenried	Higginbotham	Proctor	

—26

Nays:

—0

RESOLUTION

Mr. Glass offered the following Senate Joint Resolution, to-wit:

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

WHEREAS, there is a great need to study the purchase of the West End of Dauphin Island to be used as a state park.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there should be an Interim Committee to study the feasibility, need and method of financing the purchase of the West End of Dauphin Island as a park for the State of Alabama. The committee shall be composed of fourteen persons: six members appointed by the President of the Senate, six members appointed by the Speaker of the House of Representatives, one member to be appointed by the Governor, and one member to be appointed by the Commissioner of Conservation and Natural Resources. The legislative members of the committee shall receive their regular legislative compensation, said appropriations not to exceed \$7,000.00. The final report of the committee, along with findings and recommendations shall be submitted to the Governor no later than the fifth legislative day of the 1980 Regular Session. Upon the submission of the final report the committee shall stand dissolved.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dixon:

H. J. R. 219. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MRS. PAUL W. MILES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 219, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 104. TO AMEND ACT NO. 79-141, S. J. R. 40, REGULAR SESSION 1979, WHICH CREATES AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS, SO AS TO PROVIDE FURTHER FOR THE REPORTING OF SUCH COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 79-141, S. J. R. 40, Regular Session 1979, is hereby amended to read as follows:

"S. J. R. 40, CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all state cafeterias. Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate. The chairman of the committee shall be chosen by the members.

"The committee shall report its findings, recommendations and suggested Legislation to the legislature by the 20th legislative day of the 1980 Regular Session, and such other times as may be deemed necessary or appropriate in the discretion of the chairman."

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING

The Bill:

S. 463. To provide that the City of Tuscaloosa shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the Corporate Limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Smith	
Barron	Goodwin	Mitchem	Taylor	
Britnell	Gulledge	Parsons	Teague	
Clemon	Holmes	Proctor	Vacca	
Cook	Keener	Robertson	Weeks	
deGraffenried	Little			—25

Nays: —0

The Bill:

H. 375. Relating to Choctaw County; establishing the Choctaw County Medical Scholarship Board; providing for its composition; authorizing the county commission to allocate money from the county treasury to the board for its use; authorizing the City Council of the City of Butler to allocate money from the city treasury to the board for its use; and authorizing the board to receive money from private sources for its use.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Pearson
Bailey	Figures	Kirkland	Robertson
Barron	Glass	Little	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Gulledge	Mitchem	Vacca
Clemon	Harrison	Parsons	Weeks
Cook	Higginbotham		

—25

Nays: —0

The Bill:

H. 509. To provide for a personnel board for the employees of St. Clair county and any municipalities therein which may elect to come under the authority of such board; to empower such board to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act; to prescribe certain rules and regulations for appointments and dismissals; to provide for the composition, terms of office, and compensation of the members of such board; to provide for appeal to the county circuit court of decisions made by said board; and to prescribe penalties for violations of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Robertson
Bailey	Goodwin	Martin	St. John
Britnell	Gulledge	Mitchem	Smith
Callahan	Harrison	Parsons	Teague
Clemon	Higginbotham	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

H. 592. To repeal Act No. 1044, H. 1902, Regular Session 1971, (Acts 1971, p. 1857), entitled "An Act Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide for a deputy coroner for said counties to be appointed by the coroner of said counties; the deputy coroner to reside in the Northern Judicial Division of said counties if the coroner resides in the Southern Judicial Division of said counties or the deputy coroner must reside in the Southern Judicial Division of said counties if the coroner resides in the Northern Judicial Division of said counties; the deputy coroner is to be paid \$100.00 for each month said deputy coroner serves and a mileage allowance of 10¢ per mile."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor
Barron	Goodwin	Martin	Robertson
Britnell	Gulledge	Miller	St. John
Clemon	Harrison	Mitchem	Smith
Cook	Holmes	Parsons	Teague
deGraffenried	Kirkland	Pearson	White
Denton	Lemaster		

—25

Nays:

—0

The Bill:

H. 593. Relating to St. Clair County; to provide for a deputy coroner who is to be appointed by the coroner of said county; to designate the deputy coroner's place of residence in said county; and to provide for the compensation, expense and mileage allowances for such officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Glass	Little	St. John
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

H. 594. Relating to St. Clair County; to regulate the salaries and to provide for expense accounts of certain public officials in St. Clair County and also to provide for a referendum election to be held pursuant to Amendment 196 of the Alabama Constitution of 1901.

was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	Robertson
Britnell	Goodwin	Miller	Taylor
Callahan	Gulledge	Mitchem	Teague
Clemon	Harrison	Parsons	Weeks
Cook	Keener	Pearson	White
deGraffenried	Lemaster		

—25

Nays:

—0

Abstaining. Mr. Barron.

—1

The Bill:

H. 606. Relating to Russell County; to increase the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Glass	Little	Robertson	
Bailey	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Taylor	
Clemon	Higginbotham	Parsons	Teague	
deGraffenried	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	White	
Figures	Lemaster			—25

Nays: —0

Abstaining: Mr. Barron. —1

The Bill:

H. 633. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Bailey	Harrison	Miller	St. John	
Britnell	Higginbotham	Mitchem	Taylor	
Callahan	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—25

Nays: —0

Abstaining: Mr. Barron. —1

The Bill:

H. 634. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	Robertson	
Barron	Harrison	Miller	St. John	
Clemon	Holmes	Mitchem	Taylor	
Cook	Keener	Parsons	Vacca	
deGraffenried	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 644. To alter, rearrange and extend the boundaries and corporate limits of the Town of Odenville, St. Clair County, Alabama, so as to annex certain territory to the town.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Teague	
Clemon	Harrison	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 237. To authorize the County Commission or like governing body of each of the several Counties to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Smith	
Britnell	Harrison	Miller	Taylor	
Cook	Higginbotham	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Kirkland	Proctor		—22

Nays: —0

The Bill:

S. 15. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 15, to-wit:

COMMITTEE AMENDMENT TO SENATE BILL 15

Amend Senate Bill 15, page 3, line 22, by striking out \$25,000.00 after the word than and insert "\$15,000.00".

Further amend on line 25 by striking out the figure \$50,000.00 and insert in lieu thereof the figure "\$30,000.00".

Which was adopted.

Yeas 17; Nays 12.

Yeas:

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Harrison	Mitchem	Vacca	
Callahan	Higginbotham	St. John	White	
Cook	Holmes			—17

Nays:

Messrs.:	Denton	Lemaster	Pearson	
Britnell	Figures	Martin	Proctor	
Clemon	Kirkland	Parsons	Robertson	
deGraffenried				—12

And said Bill, S. B. 15, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 1.

Abstaining 1.

Yeas:

Messrs.:	Callahan	Denton	Harrison
Bailey	Clemon	Glass	Holmes
Barron	Cook	Goodwin	Keener
Britnell	deGraffenried	Gulledge	Kirkland

Lemaster	Mitchem	Robertson	Taylor	
Little	Parsons	St. John	Vacca	
Martin	Proctor	Smith	White	
				—27
<i>Nay:</i> Mr. Miller.				—1
<i>Abstaining:</i> Mr. Pearson.				—1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 109. To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 324. To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

Also:

H. J. R. 179. Relative to meeting days: Thursday, June 7, 1979, Tuesday, June 12, 1979 and Thursday, June 14, 1979.

Also:

H. J. R. 213. URGING THE FEDERAL COMMUNICATIONS COMMISSION TO REJECT ANY PROPOSAL FOR REDUCED COVERAGE THAT WOULD ADVERSELY AFFECT WSM RADIO IN NASHVILLE, TENNESSEE, AND ITS BROADCAST OF THE GRAND OLE OPRY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bill, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 29. To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

Also:

S. 67. To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relate to security protection for certain state officers and others, so as to require the director of public safety to designate personal security officers for the state officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

Also:

S. 252. Relating to the pension system established by Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 for the employees and officers of Jefferson County, Alabama (Ala. Acts, 1965, pp. 717-739), and relating especially to the payments Section 9 of said Act 497, as amended, requires the members thereof and the County to make to the pension fund established for the operation of the pension system; to authorize the County commission of Jefferson County, Alabama, to adopt rules providing that any member of the pension system may revoke any limitation which the member has elected to impose on the amount of his monthly salary which shall be considered for pension purposes, and providing that upon any member's revoking any such limitation his entire monthly salary shall be considered for pension purposes; to provide that such rules may provide for such revocation to apply retroactively; to provide that such rules shall prescribe the payments a member and the County shall make to the pension fund to effect such revocation; to provide that such rules may make such revocation apply retroactively; to provide that such rules shall state the extent to which a member's benefit from the pension system shall be increased as a consequence of such member's electing to become subject to the total salary proviso; and to provide that the County Commission shall be authorized to amend or repeal any such rule.

DON HARRISON,
Vice-Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

CONSENT CALENDAR
BILLS ON THIRD READING RESUMED

The Bill:

H. 37. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed. was read a third time at length and passed.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Glass	Kirkland	Robertson	
Barron	Goodwin	Lemaster	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Harrison	Miller	Taylor	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Proctor	White	
Denton				—24

Nay: Mr. Little. —1

The Bill:

H. 291. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

was read a third time at length and passed.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Goodwin	Little	Robertson	
Barron	Gulledge	Martin	St. John	
Britnell	Harrison	Miller	Smith	
Callahan	Higginbotham	Mitchem	Taylor	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Kirkland	Proctor	White	
Glass				—24

Nays: Messrs.: Figures, Pearson. —2

REPORT FROM RULES

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 103, to-wit:

COMMITTEE SUBSTITUTE FOR S. J. R. 103

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

WHEREAS, there is a great need to study the purchase of the West End of Dauphin Island to be used as a state park.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there should be an Interim Committee to study the feasibility, need and method of financing the purchase of the West End of Dauphin Island as a park for the State of Alabama. The committee shall be composed of fourteen persons: six members appointed by the President of the Senate, six members appointed by the Speaker of the House of Representatives, one member to be appointed by the Governor, and one member to be appointed by the Commissioner of Conservation and Natural Resources. The legislative members of the committee shall receive their regular legislative compensation to be paid from funds appropriated to the Legislature. The total compensation paid to the members of this committee shall not exceed \$7,000. The final report of the committee, along with findings and recommendations shall be submitted to the Governor no later than the fifth legislative day of the 1980 Regular Session. Upon the submission of the final report the committee shall stand dissolved.

Which was adopted.

And said Resolution, S. J. R. 103, as thus amended by the substitute, was then adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 16, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,
Executive Secretary.

Done this 14th day of June, 1979.

To The Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 16 without my signature and approval and with the following suggested Executive Amendment.

Amend Section 3(o), page 15, line 14 by inserting after the word "penalties." the following:

"In any such action, any person may intervene as a matter of right."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

Which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 27; Nays 0.

Yeas:

Messrs.:	deGraffenried	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Miller	Smith
Britnell	Harrison	Mitchem	Taylor
Callahan	Higginbotham	Parsons	Teague
Clemon	Holmes	Pearson	Vacca
Cook	Kirkland	Proctor	White

—27

Nays:

—0

Which was a majority of the whole number elected to the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 142. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Mr. Robertson offered the following amendment to the Bill, S. B. 142, to-wit:

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AMENDMENT TO S. B. 142

Amend Senate Bill No. 142 Page 1 Line 34, by inserting after the word Sites licensed hotels and motels are not deemed to be residential property.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	St. John
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	White
Denton			—24

Nays: —0

And said Bill, S. B. 142, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Harrison	Miller	Taylor
Clemon	Higginbotham	Mitchem	Teague
Cook	Holmes	Proctor	White
deGraffenried	Kirkland		—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 375. Relating to Choctaw County; establishing the Choctaw County Medical Scholarship Board; providing for its composition; authorizing the county commission to allocate money from the county treasury to the board for its use; authorizing the City Council of the City of Butler to allocate money from the city treasury to the board for its use; and authorizing the board to receive money from private sources for its use.

Also:

H. 509. To provide for a personnel board for the employees of St. Clair county and any municipalities therein which may elect to come under the authority of such board; to empower such board to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act; to prescribe certain rules and regulations for appointments and dismissals; to provide for the composition, terms of office,

and compensation of the members of such board; to provide for appeal to the county circuit court of decisions made by said board; and to prescribe penalties for violations of this act.

Also:

H. 592. To repeal Act No. 1044, H. 1902, Regular Session 1971, (Acts 1971, p. 1857), entitled "An Act Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide for a deputy coroner for said counties to be appointed by the coroner of said counties; the deputy coroner to reside in the Northern Judicial Division of said counties if the coroner resides in the Southern Judicial Division in said counties or the deputy coroner must reside in the Southern judicial Division of said counties if the coroner resides in the Northern Judicial Division of said counties; the deputy coroner is to be paid \$100.00 for each month said deputy coroner serves and a mileage allowance of 10¢ per mile."

Also:

H. 593. Relating to St. Clair County; to provide for a deputy coroner who is to be appointed by the coroner of said county; to designate the deputy coroner's place of residence in said county; and to provide for the compensation, expense and mileage allowances for such officer.

Also:

H. 594. Relating to St. Clair County; to regulate the salaries and to provide for expense accounts of certain public officials in St. Clair County and also to provide for a referendum election to be held pursuant to Amendment 196 of the Alabama Constitution of 1901.

Also:

H. 606. Relating to Russell County; to increase the compensation of election officials.

Also:

H. 633. To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

Also:

H. 634. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the state Alcoholic Beverage Control Board.

Also:

H. 644. To alter, rearrange and extend the boundaries and corporate limits of the Town of Odenville, St. Clair County, Alabama, so as to annex certain territory to the town.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 219. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MRS. PAUL W. MILES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MOTION TO ADJOURN LOST

At 4:13 P.M., Mr. Pearson moved that the Senate adjourn until Tuesday, June 19, 1979, at 12 o'clock Noon, which motion was lost.

Yeas 6; Nays 21.

Yeas: Messrs.: Little, Miller, Parsons, Pearson, Proctor, St. John. —6

Nays:

Messrs.:	Denton	Kirkland	Smith
Barron	Glass	Lemaster	Taylor
Britnell	Goodwin	Martin	Teague
Callahan	Harrison	Mitchem	Vacca
Cook	Higginbotham	Robertson	White
deGraffenried	Holmes		

—21

MOTION IN WRITING

Mr. Kirkland offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 123, on page 74 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 123, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 37. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 105. PROPOSING TO THE CONSERVATION ADVISORY BOARD A REQUEST TO DESIGNATE THE RACCOON AND FOX AS GAME ANIMALS, AND THE REMOVAL OF THOSE ANIMALS AS FUR-BEARERS.

WHEREAS, the total number of animals recognized by the Advisory Board available to the licensed public is sixteen animals; and

WHEREAS, only three of sixteen said animals are designated as game animals; and

WHEREAS, less than one percent of those public license holders who contribute to the financing of the Conservation Department are involved in the harvest of thirteen animals designated as fur-bearers; and

WHEREAS, more than 99% of those public license holders who contribute to the financing of the Conservation Department have only three animals enjoying the status of game animals; and

WHEREAS, the basis for this protection is that all wildlife in the great state of Alabama is a public resource which belongs to all Alabamians; and

WHEREAS, the vast majority of those public license holders who contribute to the financing of the Conservation Department enjoy this resource for sport and should have preference to this resource; and

WHEREAS, the Legislature has delegated to the Commissioner of the Department of Conservation and Natural Resources the authority to designate by name what animals shall be classified as game or fur-bearing animals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Commissioner of the Department of Conservation and Natural Resources

transfer the raccoon and fox to the game list pursuant to the authority granted him by the Legislature under Section 9-2-7, Code of Alabama 1975.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Conservation Advisory Board with the request that they take immediate action thereon.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 362. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 362, to-wit:

COMMITTEE AMENDMENT TO S. B. 362

Amend Senate Bill No. 362, page 2, line 13, by striking out the period after the word "name" and add the following words:

"and the name of the manufacturer or a reasonable abbreviation of the name of the manufacturer."

Further amend Senate Bill 362, page 2, lines 13, 14 and 15 by deleting the sentence beginning with the word "If".

Further amend Senate Bill 362, page 2, line 4, by adding the following after the period on line 4:

"The State Board of Pharmacy shall not promulgate any Rule or Regulation affecting the subject matter of this subsection."

Further amend Senate Bill 362, page 2, lines 16 through 20 by striking the entire subsection "e" and re-lettering the remaining subsections.

Further amend Senate Bill 362, page 2, line 26, by striking out the words "of not less than \$500 (five hundred dollars) nor more than \$1,000 (one thousand dollars), or by imprisonment for a term not to exceed 2 years or both." and inserting in lieu thereof the words:

"up to \$1,000.00 (one thousand dollars).

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:
Bailey
Barron
Britnell
Callahan
Clemon
Cook
deGraffenried

Denton
Figures
Goodwin
Gulledge
Harrison
Holmes
Lemaster

Little
Martin
Miller
Mitchem
Parsons
Pearson
Proctor

Robertson
St. John
Smith
Taylor
Teague
Vacca
White

—28

Nays:

—0

JOURNAL OF THE SENATE, 1979
18th Day

The Standing Committee on Health and Welfare then reported the following amendment to the Bill, S. B. 362, as amended, to-wit:

COMMITTEE AMENDMENT TO S. B. 362

Amend Senate Bill No. 362, Page 2, Lines 2 and 3, by striking out the words "Substitution Permitted" and inserting in lieu thereof the words "Product Selection Permitted".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Little	Robertson	
Bailey	Denton	Miller	St. John	
Barron	Figures	Mitchem	Smith	
Britnell	Glass	Parsons	Teague	
Callahan	Goodwin	Pearson	Vacca	
Clemon	Gulledge	Proctor	White	
Cook	Holmes			—25

Nays: —0

And said Bill, S. B. 362, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Robertson	
Bailey	Goodwin	Martin	St. John	
Britnell	Gulledge	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
Clemon	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Proctor	White	
Denton	Lemaster			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 291. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

Mr. President:

I move to carry over temporarily

S. B. 23

S. B. 251

S. B. 157

S. B. 20

MOTION TO ADJOURN LOST

At 4:40 P.M., Mr. St. John moved that the Senate adjourn until Tuesday, June 19, 1979, at 2 o'clock P.M., which resulted in a tie vote.

Yeas 14; Nays 14.

Yeas:

Messrs.:	Figures	Little	Robertson	
Britnell	Goodwin	Miller	St. John	
Callahan	Gulledge	Parsons	Vacca	
Clemon	Higginbotham			—14
deGraffenried				

Nays:

Messrs.:	Harrison	Martin	Taylor	
Bailey	Holmes	Mitchem	Teague	
Barron	Kirkland	Proctor	White	
Denton	Lemaster			—14
Glass				

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to adjourn was lost.

FURTHER CONSIDERATION OF MOTION IN WRITING

The Senate proceeded to further consideration of the Motion in Writing by Mr. White.

Mr. St. John offered the following substitute Motion in Writing, to-wit:

I move to temporarily carry over

S. B. 23

S. B. 251

S. B. 157

S. B. 20

H. B. 242

S. B. 220

Mr. White moved that the substitute Motion in Writing be laid on the table, which motion was lost.

Yeas 10; Nays 20.

Yeas:

Messrs.:	Harrison	Miller	Teague	
Britnell	Higginbotham	Mitchem	White	
Glass	Lemaster	Taylor		—10

Nays:

Messrs.:	deGraffenried	Kirkland	Proctor	
Bailey	Denton	Little	Robertson	
Barron	Figures	Martin	St. John	
Callahan	Goodwin	Parsons	Smith	
Clemon	Holmes	Pearson	Vacca	
Cook				—20

And said substitute Motion in Writing was then adopted by the Senate.

And said Motion in Writing by Mr. White, as thus amended by the Motion in Writing by Mr. St. John, was then adopted by the Senate.

RESOLUTION

Messrs. deGraffenried, Bailey, Barron, Britnell, Callahan, Clemon, Cook, Denton, Figures, Glass, Goodwin, Gullledge, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 106. DEPLORING RECENT ACTS OF VIOLENCE IN OUR STATE AS THE RESULT OF A TRUCKERS' STRIKE AND COMMENDING THE GOVERNOR FOR HIS STEPS TO INSURE THE SAFETY OF ALL IN THE STATE OF ALABAMA.

WHEREAS, recent acts of violence and bloodshed have regrettably occurred in the State of Alabama creating cause for great concern by this body for the safety and security of the person and property of all our citizens and of those passing through our state; and

WHEREAS, as a result of a strike by numerous independent truckers, there have been instances of trucks blocking the pumps at service stations so that drivers are unable to obtain gasoline, and perishable goods, in many instances, are being denied delivery to market; of an even more serious and grievous nature are instances of gunfire with one such reprehensible act resulting in the hospitalization of a trucker's wife who is in critical condition in a Tuscaloosa hospital; and

WHEREAS, the Legislature, approvingly notes that Governor James, in order to insure the protection of citizens and the safe passage of all traffic through our state, has activated the Alabama National Guard; we strongly support his vow to use every available resource to maintain law and order and urge that he do so immediately; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we vehemently deplore any and all acts of violence which have occurred as a result of the current strike by

many of our independent truckers and strongly support Governor James in the use of Alabama National Guard troops, Alabama State Troopers and all other resources to maintain law and order in the State of Alabama.

BE IT FURTHER RESOLVED, That we call upon strikers and all other citizens alike to conduct themselves as law abiding citizens that we may, together, avert crises in the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Governor James as evidence of our support of and concurrence with his efforts in this matter.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 171, on page 5 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 171, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Cook offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 293, on page 15 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 293, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 139, on page 16 of the 18th Day Calendar, be referred to the Standing Committee on Rules for Placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 139, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis,

McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 225. WISHING MRS. LINDA PRUETT A SPEEDY AND COMPLETE RECOVERY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 225, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

ADJOURNMENT

At 5:15 P.M., on motion of Mr. Robertson, the Senate adjourned until Tuesday, June 19, 1979, at 2:01 P.M.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Cook	Lemaster	Parsons
Bailey	Denton	Little	Robertson
Britnell	Gulledge	Miller	St. John
Clemon	Higginbotham	Mitchem	Vacca

—15

Nays:

Messrs.:	Glass	Martin	Taylor
Barron	Goodwin	Pearson	Teague
Callahan	Harrison	Proctor	White
deGraffenried	Holmes	Smith	

—14

NINETEENTH LEGISLATIVE DAY

TUESDAY, JUNE 19, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. George Nulph, Pastor, Perry Hill Road Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Mitchem	Teague
Clemon	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Miller for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cook:

S. 512. To amend Section 10-3-4 of the Code of Alabama, 1975, relating to the Alabama Non-Profit Corporation Act, so as to provide further for the availability of its provisions to existing corporations.

Committee on Judiciary.

By Mr. Keener:

S. 513. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Keener:

S. 514. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents on the uniform accident report form.

Committee on Judiciary.

By Mr. Pearson:

S. 515. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

Committee on Finance and Taxation.

By Mr. Britnell:

S. 516. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

Committee on Governmental Affairs.

By Mr. White:

S. 517. To abolish the Board of Barber Examiners, which board is created by Act No. 403, H. 330, Regular Session 1971, (Acts 1971, p. 689); to transfer the enforcement powers, rights, liabilities, properties and funds of said board to the State Health Department and to exempt certain persons and barber shops from the authority herein transferred to said department.

Committee on Health and Welfare.

By Mr. Gullledge:

S. 518. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 519. To provide that the commissioner of the department of conservation and natural resources may promulgate regulations having the force and effect of law to prohibit at certain times of the year the use of airboats on any of the public waters of this state and to provide penalties therefor.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Callahan (with notice and proof):

S. 520. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 520, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 521. To create the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

Committee on Health and Welfare.

By Mr. Callahan (with notice and proof):

S. 522. Relating to Mobile County; the purpose of this bill is to provide a supplement to the salaries of Register of the Circuit Court and the District Court Clerk of the Thirteenth Judicial Circuit.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 522, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Vacca, Cook, Hall, and White (with notice and proof):

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 523, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Vacca, Cook, White & Hall (with notice and proof):

S. 524. To further amend subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 524, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Vacca, Cook, White, and Hall (with notice and proof):

S. 525. To further amend subsection (b) of Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 525, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Teague:

S. 526: To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this Act; the creation and establishment of the Division of Mined Land Reclamation within the Department of Industrial Relations with power and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, requires a bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit or license; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Division; provides for legal remedies, enforcement provisions and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving

and conforming provisions and establishes the effective date and orderly transition to said new act and, provides for approval of certain coal leases; provides for severability; sets effective date of the act; and establishes a procedure for declaring lands unsuitable for mining; provides for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to designate the Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of the state program for abandoned mine reclamation; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of the state program for abandoned mine reclamation; and to provide for intergovernmental cooperation in the implementation of this Act.

To suspend and cause to be inoperative Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, so long as this Act remains in effect and to amend Section 4 of Act No. 551 with Section 4 of this Act effective immediately upon its passage and approval by the Governor, or it otherwise becoming a law; also, to declare null and void and be of no further force and effect all laws or parts of laws which conflict with this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 527. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Committee on Local Legislation No. 1.

By Mr. Parsons (with notice and proof):

S. 528. Relating to Jefferson County; to repeal Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674) entitled "An Act To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment

and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called 'Section 76', vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167."

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 528, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RESOLUTION

Messrs. Robertson, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 107. DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY" IN TUSCALOOSA, ALABAMA.

WHEREAS, Mr. Morris "Munny" Sokol, retired Tuscaloosa businessman, is a native of Birmingham who was educated in the public schools of that city and is a University of Alabama graduate in Business Administration; he also attended the University's School of Law and is a U. S. Army veteran of World War II who advanced from the rank of private to Captain and served in the European Theatre of Operations; and

WHEREAS, Munny Sokol is a first generation American whose parents emigrated to this country from Europe in 1906; he is a member and serves as finance chairman of the Temple Emanuel in Tuscaloosa, is also co-chairman of the Temple's building fund, past chairman of the building committee and a past president of B'nai B'rith Lodge and the Federation of Jewish Charities; and

WHEREAS, Mr. Sokol is an established leader in all phases of community life; dedicated to serving the needs of others, he has for many years given generously of his time and talents, interest, efforts and resources to numerous charitable and civic organizations; and

WHEREAS, the United Fund, Salvation Army, the Scout program, Boys' Ranch, and many other worthwhile organizations have benefitted from Munny Sokol's dedicated labors as have the Exchange Club, Chamber of Commerce, Tuscaloosa County Industrial Board and many, many others; and

WHEREAS, his awards and honors have been many, the latest of which is Tuscaloosa's "Munny Sokol Park," named and dedicated in his honor and in appreciation of his humanitarian efforts on behalf of his fellow man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary service to others and in tribute to one of our state's most outstanding citizens, this body hereby designates July 9, 1979, "Munny Sokol Day" in Tuscaloosa, Alabama, the community he has loved and served so well.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Mr. Sokol as a memento of this honorary designation and as evidence of our appreciation, praise and esteem.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 34. Relating to Madison County; to provide further for the compensation of the members of the county board of equalization by authorizing the Madison County commission to provide certain county salary supplements for such members.

Also:

S. 39. Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other than cemeteries owned by private corporations licensed to operate a perpetual care cemetery in Madison County, and repealing conflicting statutes.

Also:

S. 361. Relating to the City of Gadsden, Alabama; amending Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787), which relate to the city's policemen and firemen retirement fund and certain limitations of benefits and the time requirements therefor and restrictions of reemployment, so as to broaden certain benefits; and removing all restrictions of reemployment in state or local government after retirement, except by the City of Gadsden.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Trammell, Olive, Cheatwood, Howard, Jackson, Amari, Lewis, Tucker, Gafford, Horn, Moore, Waggoner, Bennett and Boles (with notice and proof):

H. 43. Relating to Jefferson County; to repeal Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674) entitled "An Act To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and

determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama of 1940, herein called 'Section 76', vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 43, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 43. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell, Willis and Crow (with notice and proof):

H. 765. To alter, rearrange and extend the boundaries and corporate limits of the City of Anniston, Calhoun County, Alabama, so as to annex certain territory of the City.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 765, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 773. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 773, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 786. To repeal Act No. 437, H. 886, approved November 13, 1959, Regular Session 1959 (Acts 1959, p. 1125), entitled "An Act To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 786, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Sandusky (with notice and proof):

H. 692. To provide that persons now residing in nursing homes and permanently disabled persons confined to home in Mobile County may register to vote by mail.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 692, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Kennedy (C), Kennedy (Y), and Buskey (with notice and proof):

H. 741. To direct the cancellation of promissory notes held by the Board of School Commissioners of Mobile County, Alabama executed by the S. D. Bishop Junior College in consideration of a transfer of land.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 741, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Bedsole:

H. 771. To repeal Act No. 751, S. 599, 1967 Regular Session (Acts 1967, p. 1606), as last amended which relates to the maintenance and operation of county health departments in all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Also:

By Rep. Smith (J):

H. 513. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

Also:

By Rep. Hall (with notice and proof):

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 669, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shavers, Stout and Hall (with notice and proof):

H. 761. Relating to Jackson County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 761, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Shavers, Sout and Hall (with notice and proof):

H. 762. Relating to Jackson County; to authorize the coroner to appoint a deputy coroner, and to provide for the compensation of such deputy coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 762, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 765, 773, 786, 692, 741, 771, 513, 669, 761, and 762. To the Committee on Local Legislation No. 1.

COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to the provisions of H. J. R. 51, Act 79-71, the President and Presiding Officer of the Senate appointed Messrs. St. John, Little, and Figures to the Committee to Study the Feasibility of Constructing a Building to House the Highway Department and Converting the Present Building for Legislative and Other Departmental Use.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener (with notice and proof):

S. 475. Relating to Etowah County; to further provide for the preparation of the lists of qualified electors which the judge of probate is required to furnish the election inspectors; and to provide for the expenses of the judge of probate for preparation of such lists.

By Rep. Turner (with notice and proof):

H. 748. Relating to Washington County; to further provide for a clerk-hire allowance for the county tax collector.

By Rep. Turner (with notice and proof):

H. 749. Relating to Washington County; to authorize the county commission to pay all fees, dues and related expenses of membership in any professional organization to which the supernumerary tax assessors and supernumerary tax collectors of the county may belong; and to provide for payment of expenses of attendance at certain meetings.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of

age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

By Mr. St. John:

S. 432. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Figures (With Amendment):

S. 480. To prohibit the Attorney General or any of the several district attorneys in the state from defending any person who has allegedly committed a crime and to prohibit the expenditure of public funds for the defense of such person.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried, St. John, Clemon, Keener, Proctor, Kirkland, and Parsons (With Substitute) (With Amendments):

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Holmes (with notice and proof):

S. 487. Relating to Calhoun County; authorizing the establishment of branch banks within the county.

By Mr. Holmes (with notice and proof):

S. 488. To repeal Act No. 183, H. 364, Regular Session 1961 (Acts 1961, p. 225), as amended, entitled, "An Act Authorizing the establishment of branch banks in counties having populations of not less than 95,000 nor more than 115,000."

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White and Teague (With Substitute) (With Amendment):

S. 482. To provide for Grand Jury proceedings to be secret and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; and further prescribes criminal penalties for the obstruction of Grand Jury witnesses and their testimony.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. White:

S. 292. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

By Rep. Manley:

H. 196. To amend sections 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of the Code of Alabama 1975 relating to security interests so as to extend the time period for perfecting security interests in order to obtain priority over other creditors.

MOTION IN WRITING

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 359, on page 82 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 359, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING

The Bill:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 3; Nays 2.

Yeas: Messrs.: Martin, Teague, Weeks. —3

Nays: Messrs.: Bailey, Hall. —2

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 479. Relating to Baldwin County; to provide for the leasing of the oil, gas and mineral rights that are owned by the county on the right-of-way of the Baldwin County road system; and to provide for the disposition of the funds accruing from such leases for public launching ramps.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Harrison	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Clemon	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

MOTIONS IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 399, on page 72 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 399, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 226, on page 47 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 226, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 483. To authorize the county governing body of Tuscaloosa County, Alabama, and the governing body of any municipality in Tuscaloosa County, to enter into long term contracts for the disposal of solid waste, garbage, and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Robertson	White	
deGraffenried	Kirkland			—25

Nays: —0

The Bill:

H. 32. Relating to Washington County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present unit system or revert back to the district or beat line system.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Robertson	
Bailey	Figures	McDonald	Smith	
Barron	Gulledge	Mitchem	Taylor	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Clemon	Kirkland	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

H. 596. Relating to Lamar County; to provide additional clerical help for the probate judge, tax assessor and tax collector and to provide said act shall take retroactive effect.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Mitchem	Taylor
Britnell	Hall	Parsons	Teague
Clemon	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Kirkland	St. John	White
Figures	Little		

—25

Nays:

—0

The Bill:

H. 665. Relating to Marion County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	McDonald	Smith
Bailey	Gulledge	Mitchem	Taylor
Britnell	Hall	Parsons	Teague
Clemon	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	Robertson	White
Figures	Martin		

—25

Nays:

—0

The Bill:

H. 668. Relating to Coffee County; providing an additional expense allowance for each coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Pearson
Bailey	Figures	Kirkland	Proctor
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	Mitchem	Teague
Clemon	Harrison	Parsons	Weeks
Cook	Holmes		

—25

Nays:

—0

The Bill:

H. 729. Relating to Butler County; to provide for the refund of certain contributions to any retirement system by certain former county sheriffs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Mitchem	Vacca	
Clemon	Harrison	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 730. Relating to Butler County; to provide for the night hunting and taking of raccoons and opossums with the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition and/or number six size shot used in shotguns.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Kirkland	St. John	
Barron	Goodwin	Little	Taylor	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Harrison	Pearson	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 81. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Hall	Pearson	Weeks	
Clemon	Holmes	Proctor	White	
Cook	Keener			—25

Nays: —0

The Bill:

S. 428. An Act altering, rearranging and extending the boundaries of the City of Pleasant Grove, Jefferson County, Alabama.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Gulledge	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Clemon	Holmes	Proctor	White
Cook	Keener		

—25

Nays: —0

The Bill:

H. 243. To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Gulledge	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Clemon	Holmes	Proctor	White
Cook	Keener		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 225. WISHING MRS. LINDA PRUETT A SPEEDY AND COMPLETE RECOVERY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

CONSENT CALENDAR
BILLS ON THIRD READING RESUMED

The Bill:

S. 292. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the compensation of the board, provide for an annual license fee, and provide for an annual audit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	St. John
Barron	Figures	Keener	Smith
Britnell	Goodwin	Lemaster	Taylor
Callahan	Gulledge	Little	Teague
Cook	Hall	Mitchem	Vacca
deGraffenried	Higginbotham	Parsons	White

—23

Nays:

—0

The Bill:

H. 196. To amend sections 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of the Code of Alabama 1975 relating to security interests so as to extend the time period for perfecting security interests in order to obtain priority over other creditors.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Harrison	McDonald	Teague
deGraffenried	Higginbotham	Mitchem	Vacca
Denton	Holmes	Parsons	White
Figures	Keener		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 469. Relating to child custody proceedings; to provide for the jurisdiction of the domestic or family relations courts of this state over child

custody proceedings and for the recognition and modification of out-of-state child custody proceedings; and for this purpose to enact the Uniform Child Custody Jurisdiction Act.

Also:

By Rep. Carothers:

H. 639. To amend Section 34-4-50, Code of Alabama 1975, which provides the requirements for the state board of auctioneers, so as to require each member of the board to be a licensed auctioneer.

Also:

By Reps. Riddick, Smith (M) and Gregg:

H. 281. To require certain school officials to establish safety procedures and standards for the protection of school personnel during emergencies or disasters; and, further to require school officials to establish effective warning systems hold monthly fire drills, and hold no less than three severe weather drills during the school year.

Also:

By Reps. Lewis and Howard:

H. 461. To amend Section 40-12-258, Code of Alabama 1975, which relates to the payment of registration fees on motor vehicles, the placement of license tags on vehicles, and the issuance of receipts in triplicate for said tags, so as to provide for a daily penalty after a certain time interval when the judge of probate is delinquent in remitting one copy of the receipt to the department of revenue.

Also:

By Reps. Venable, Barton, Greer, Goodwin, Coburn, Starkey, Albright, Hall, Smith (M), Smith (J), Brakefield, Patton, Zoghby, Parker, Ward, Whatley, Adams (C), Cheatwood, Mitchell, Cosby, Edwards, Grouby, Williams and Manley:

H. 331. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

Also:

By Reps. Ward, Laird, Gafford, Grimsley, Minus, Venable, Smith (C), Hines, Adams (C), Crow, Penry and Zoghby:

H. 304. Relating to electors; to authorize incorporated municipalities to enter into contracts with any county and its board of registrars to conduct a program of identification of registered electors residing within the corporate limits of the municipality; to provide that any county and its board of registrars may conduct an identification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes herein set forth.

Also:

By Reps. Bennett, Wyatt and Amari:

H. 256. To provide for a procedure of payroll deductions for certain contributions made by state officers and employees.

Also:

By Rep. Harper:

H. 357. To provide a new schedule of commercial privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 469. To the Committee on Judiciary.

H. B.'s 639, 331, and 304. To the Committee on Governmental Affairs.

H. B. 281. To the Committee on Education.

H. B.'s 461 and 357. To the Committee on Commerce, Transportation, and Utilities.

H. B. 256. To the Committee on Finance and Taxation.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 108. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 19th Legislative Day:

Bill No.	Page	Description
S. B. 37	7	Left turn on red under cert. cond.
S. B. 322	59	Disabled lifetime fishing licenses
S. B. 23	46	LP Gas Regulation
S. B. 251	23	AL Goodwill Ind. tax exempt
S. B. 220	6	Real Estate Commission
S. B. 157	24	"Cost of Evid", ABC Board
S. B. 198	14	Locomotive Eng., duties (S. 194)
S. B. 56	27	8 classes of mun by population
S. B. 100	1	Amending Ins. Code Standard Nonforfeiture Law
S. B. 30	52	Procedure for Sec. of Senate to notify courts
S. B. 221	8	Pesticide Residue Lab., AU, powers
S. B. 197	25	Jax State, title transfer
S. B. 90	33	Descent & dis. of real estate of intestate

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S. B. 334	31	Unitization orders, def.
S. B. 335	32	St. Oil & Gas Bd. Bldg. new wing
S. B. 338	32	Oil redefined
H. B. 66	39	Oil and gas well permit fees
H. B. 39	60	Alcoholic Bev. Control Board
H. B. 242	46	Small Loan
S. B. 187	28	Auth. for out-of-state travel
S. B. 368	44	School bldg. const. retainage
S. B. 50	35	AL Admn. proc. Act
S. B. 283	45	Bd. of Exam. in Counseling
S. B. 138	14	Cert. mobile homes, reg. & id.
S. B. 349	77	Corp. donations for pol. purp.
H. B. 65	59	Seeds: Comp., Inv. Com est.
H. B. 52	66	New Inst. Health Serv.
S. B. 87	61	Guaranteed min. starting wage all law enf. off.
S. B. 178	28	Forest law enf. off auth.
S. B. 245	12	St. Forestry Comm. LEO, certain powers

And said Resolution was then adopted by the Senate.

MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the rules be suspended and that the following numbered bills be brought up out of order

- S. B. 251, page 25
- S. B. 204, page 17
- S. B. 205, page 18
- S. B. 208, page 18
- S. B. 4, page 19
- S. B. 130, page 19
- S. B. 131, page 20
- S. B. 133, page 20
- S. B. 28, page 22
- S. B. 53, page 22
- S. B. 65, page 23
- S. B. 116, page 23

S. B. 216, page 24

S. B. 241, page 25

S. B. 261, page 26

S. B. 129, page 66

S. B. 97, page 71

S. B. 429, page 74

Which was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 240, on page 79 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 240, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Weeks offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 97, on page 71 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 97, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Laird, Turnham, Ward and Harper (O) (with notice and proof):

H. 754. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 754, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 754. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Bedsole and Sandusky:

H. 203. To be known as the "Historical Preservation Authorities Act of 1979"; to authorize the incorporation in this state of public corporations for the purpose of undertaking and making or causing to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that has been listed in the National Register of Historic Places and developing property in the vicinity thereof, restoring, constructing, acquiring, owning, operating, leasing, selling and otherwise disposing of any such property, and cooperating with and lending financial assistance and other aid to municipalities, communities, counties, individuals, associations, partnerships, and public and private corporations in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any such property; to provide the method of incorporating such corporations, the management thereof, and the election of directors thereof; to specify the powers and duties of such corporations; to authorize such corporations to issue bonds payable solely from the revenues of such corporations derived from the operation or leasing or sale of any such property and to secure such bonds by pledges of such revenues and by mortgages on any such property; to provide that no bond or obligation created or assumed by such corporations shall create an obligation or debt of any county or municipality or of the state; to authorize the refunding of any such bonds; to provide that all such bonds shall be negotiable instruments; to authorize such corporations to enter into contracts to secure payment of such bonds; to authorize such corporations to create a statutory mortgage lien on property of such corporation in favor of the holders of such bonds; to provide for the use of proceeds from the sale of bonds of such corporations; to authorize any county, municipality, or other political subdivision, public corporation, agency or instrumentality of this state to lend or donate money to or perform services for the benefit of such corporations, or to donate, sell convey, transfer, lease or grant to such corporations, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise, and to do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with such corporations in furtherance of their corporate purposes; to exempt from taxation such public corporations and their property and income, all bonds issued by such corporations, the income and interest from such bonds, conveyances by and to such corporations, and leases, mortgages and deeds of trust by and to such corporations; to provide for the filing of the certificates of incorporation or the recording of any document by such corporations without the payment of any fees, taxes or costs; to provide for reports by such corporations to the governor; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the severability of the provisions hereof; to provide the effective date hereof; to exempt any corporation organized hereunder from Sections 41-16-50 through 41-16-63 of

the CODE OF ALABAMA 1975; and to provide for the dissolution of such corporations and the disposition of their property upon dissolution, and to specifically repeal Act No. 822, H. 557, 1978 Regular Session (Acts 1978, p. 1213) as codified as Sections 41-10-120 through 41-10-134, Code of Alabama 1975, and other conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 203. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Naramore:

H. 326. To amend section 40-25-25 of the Code of Alabama 1975, relating to taxation of tobacco products, so as to further regulate the presumption arising from the number of unstamped cigarettes any person, firm or corporation who is not a licensed dealer in tobacco products may have in his possession.

Also:

By Reps. Wyatt, Venable and McMillan:

H. 605. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor or hunting licenses; and to prescribe penalties for violation of this act.

Also:

By Reps. Holley, Carothers, Daniels, Wyatt, Grimsley, Hines, Williams, Ray, Cates and Reed:

H. 303. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indemnification for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indemnification program.

Also:

By Reps. Holley and Whatley:

H. 620. To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of *Aspergillus flavus* or freeze damage.

Also:

By Rep. Biddle:

H. 656. To prohibit persons from processing or manufacturing fraudulent driver licenses and to set penalties for violating this act.

Also:

By Rep. Smith (C):

H. 114. To amend Sections 11-54-20 and 11-54-21 and Sections 11-54-80 and 11-54-81 of the Code of Alabama 1975, relating to municipalities and municipal industrial development boards and authorizing the acquisition, ownership and leasing of projects to promote industry and trade so as to include facilities for tourism and amusement parks in the projects authorized.

Also:

By Reps. Roberts, Whatley, Carter and Patton:

H. 128. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 326. To the Committee on Finance and Taxation

H. B.'s 605, 303, and 620. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 656. To the Committee on Judiciary

H. B.'s 114 and 128. To the Committee on Governmental Affairs

(The above numbered Bill, H. B. 620, was read a first time at length as required by the Constitution.)

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 37. To further amend Section 32-5-31 of the Code of Alabama 1975, as amended, which pertains to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn left from one-way streets onto a one-way street on a red traffic signal.

And said Bill, S. B. 37, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Keener	St. John	
Britnell	Hall	Little	Smith	
Denton	Harrison	McDonald	Taylor	
Figures	Higginbotham	Mitchem	Teague	
Goodwin	Holmes	Proctor	Vacca	
				—19

Nays: —0

The Bill:

S. 322. To amend the Code of Alabama 1975, § 9-11-54, so as to further define and clarify qualifications for and issuance for disabled lifetime fishing licenses.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Smith	
Barron	Higginbotham	McDonald	Taylor	
Britnell	Holmes	Mitchem	Teague	
deGraffenried	Kirkland	Robertson	Vacca	
Denton	Lemaster	St. John	White	
Hall				—20

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 209. TO ESTABLISH A STUDY COMMITTEE ON THE PROCESS OF PASSING LOCAL LEGISLATION.

On motion of Mr. Harrison, said Resolution was then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 23. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

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was taken up.

Mr. Harrison offered the following amendment to the Bill, S. B. 23, to-wit:

AMENDMENT TO S. B. 23

Amend Senate Bill No. 23 Page 4 Line 22, by striking out the entire last sentence after the word permits.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Taylor
Britnell	Harrison	Little	Teague
deGraffenried	Higginbotham	Mitchem	Vacca
Denton	Holmes	Proctor	Weeks
Goodwin	Keener	Robertson	White
Gulledge	Kirkland	Smith	—22

Nays: —0

And said Bill, S. B. 23, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Smith
Barron	Harrison	Little	Taylor
Britnell	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Proctor	Vacca
Denton	Keener	Robertson	White
Gulledge	Kirkland	St. John	—22

Nays: —0

The Bill:

S. 251. Relating to taxation; exempting the Alabama Goodwill Industries, a non-profit corporation, at all of its locations in the State of Alabama from the levy of all state, county, municipal and local sales tax and use tax. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Little	Robertson
Britnell	Hall	Martin	St. John
deGraffenried	Harrison	Mitchem	Smith
Denton	Holmes	Parsons	Teague
Figures	Keener	Pearson	White
			—23

Nays: Messrs. Barron, Taylor. —2

The Bill:

S. 220. To prohibit the Alabama real estate commission from promulgating any rule or regulation regarding real estate signs, symbols, logos or other identifying marks on any type visual display.

was taken up.

Mr. Mitchem offered the following substitute for the Bill, S. B. 220, to-wit:

SUBSTITUTE FOR S. B. 220

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama real estate commission and prohibiting the commission from promulgating any rule or regulation regarding the use of franchise names by licensees in visual displays; provided, however, that the commission may require that the name or trade name of a licensee appear in a licensee's signs, letterheads, cards and other printed materials and supplies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama real estate commission is hereby forbidden from promulgating or enforcing any rule, regulation, order or interpretation of existing law, regarding the use, size, shape, positioning, color composition, relative proportion or other dimension of any franchise name used by a licensee in visual displays including but not limited to yard signs, billboards, stationery, office signs, and real estate signs, provided, however, that the commission may require that the name or trade name of a licensee appear in a licensee's signs, letterheads, cards and other printed materials and supplies.

Section 2. "Franchise name" shall be defined as any trade name, trademark, servicemark, or logotype adopted, used or displayed by a licensee, the adoption, use or display of which requires that a licensee secure through a franchise agreement the permission of another who has an existing and continuing right in such trade name, trademark, servicemark, or logotype by virtue of any state, territorial or federal law.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Higginbotham	McDonald	Smith
Britnell	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Teague
deGraffenried	Kirkland	Proctor	Weeks
Denton	Little	Robertson	White
Gulledge	Martin	St. John	

—22

Nays: Messrs.: Bailey, Hall.

—2

On motion of Mr. Mitchem, further consideration of S. B. 220, as amended, was postponed until Twenty-Second Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 32. Relating to Washington County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present unit system or revert back to the district or beat line system.

Also:

H. 81. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

Also:

H. 243. To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

Also:

H. 596. Relating to Lamar County; to provide additional clerical help for the probate judge, tax assessor and tax collector and to provide said act shall take retroactive effect.

Also:

H. 665. Relating to Marion County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 668. Relating to Coffee County; providing an additional expense allowance for each coroner.

Also:

H. 729. Relating to Butler County; to provide for the refund of certain contributions to any retirement system by certain former county sheriffs.

Also:

H. 730. Relating to Butler County; to provide for the night hunting and taking of raccoons and opossums with the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition and/or number six size shot used in shotguns.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 198. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 12, 1979, we adjourn to meet again on Thursday, June 14, 1979; when we adjourn on Thursday, June 14, we adjourn to meet again on Tuesday, June 19, 1979, and when we adjourn on Tuesday, June 19, we adjourn to meet again on Thursday, June 21, 1979; when we adjourn on Thursday, June 21, we adjourn to meet again on Tuesday, June 26, 1979, and when we adjourn on Tuesday, June 26, we adjourn to meet again on Thursday, June 28, 1979; when we adjourn on Thursday, June 28, we adjourn to meet again on Monday, July 2, 1979; when we adjourn on Monday, July 2, we adjourn to meet again on Tuesday, July 3, 1979; and when we adjourn on Tuesday, July 3, we adjourn to meet again on Tuesday, July 10, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 198, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:
Barron

Britnell
Callahan

deGraffenried
Denton

Goodwin
Gulledge

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Higginbotham	Lemaster	Parsons	Smith	
Holmes	Little	Proctor	Taylor	
Keener	Mitchem	St. John	Weeks	
Kirkland				—20
Nays:				—0

The Bill:

S. 198. To amend Section 37-2-81, Code of Alabama 1975, "Duty of locomotive engineer to ring bell or blow horn, etc.," to state and redefine the duties of a locomotive engineer in the operation of a locomotive to accord with and control modern railroad equipment and practices.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, S. B. 198, to-wit:

COMMITTEE AMENDMENT TO S. B. 198

Amend Senate Bill 198, Section 37-2-81, page 2, line 6, (c) by deleting the following:

He must also, on perceiving any obstruction on the track, use all means within his power, known to skillful engineers, such as applying brakes and reversing engine, in order to stop the train.

And insert in lieu thereof the following:

He must also, on perceiving any obstruction on the track, use all means within power, known to skillful engineers, such as applying brakes in order to stop the train.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John	
Barron	Gulledge	Lemaster	Smith	
Britnell	Hall	Little	Taylor	
Callahan	Harrison	McDonald	Teague	
Cook	Higginbotham	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: —0

And said Bill, S. B. 198, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith	
Barron	Harrison	McDonald	Taylor	
Cook	Higginbotham	Parsons	Teague	
deGraffenried	Holmes	Pearson	Vacca	
Denton	Keener	Robertson	Weeks	
Goodwin	Kirkland	St. John	White	
Gulledge	Lemaster			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 196. To amend sections 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of the Code of Alabama 1975 relating to security interests so as to extend the time period for perfecting security interests in order to obtain priority over other creditors.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 68. To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
deGraffenried	Kirkland	St. John	White	
Figures	Little			—25

Nays: Messrs.: Denton, Robertson. —2

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Pearson, consideration of S. B. 56 was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bennett:

H. 335. To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control

the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 335. To the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps Turnham, Carothers, Williams, Warren, Daniels, Bennett, Smith (C), Sasser, Cosby, Waggoner, Carter, Roberts, Patton, Shoemaker and Johnson (R. G.):

H. 282. To make legislative findings regarding the shortage in the state of facilities for the housing, care and treatment of persons requiring special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as the shortage of funds needed to finance such facilities; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special revenue funds and such other funds as may be necessary or desirable for the corporate purposes of any such

authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the state (i) the property, corporate activities, revenues and income of each such authority, (ii) certain transactions or actions to which each such authority is a party or in which it may be involved and (iii) the notes and bonds of each such authority and the income from such notes and bonds; to exempt any such authority from all laws of the state governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to prohibit the sectarian use of facilities financed or assisted by any such authority; to prescribe conditions for any management contract providing for the management of any facility by a party that is not a governmental agency or a not-for-profit organization; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to provide that any such authority shall be a not-for-profit corporation; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 282. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 646. To amend Title 8, Section 8-17-91 of the Code of Alabama 1975 relating to the disposition of permit fees, inspection fees and penalties paid to the Commissioner of Agriculture and Industries pursuant to Sections 8-17-85 and 8-17-87 of the Code of Alabama of 1975, so as to provide that ten per cent (10%) of the amount collected thereunder each month or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

Also:

By Rep. McMillan:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

Also:

By Rep. Hammett:

H. 146. To amend section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the highways of Alabama so as to allow livestock trucks to measure up to 65 feet in length.

Also:

By Reps. Harrison and Gafford:

H. 371. To amend Act No. 691, 1978 Regular Session (Now appearing as Code of Alabama 1975, Chapter 17-18A) which act relates to Presidential Preference Primaries, so as to change the date of such primaries, the method of filing petitions of candidacy, the selection and pledging of delegates to national conventions and the setting of filing fees; and to repeal Sections 6, 8, 9, 10, 11, 12, 13, 14, and 15 of said Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 646 and 455. To the Committee on Agriculture, Conservation, and Forestry

H. B. 146. To the Committee on Commerce, Transportation, and Utilities

H. B. 371. To the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 44. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 44, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO SENATE BILL NO. 44

Amend Senate Bill No. 44 on page 2 by deleting the following sentence which appears in lines 15 through 22 on said page:

"Such employees duly designated and approved as peace officers hereunder shall also be clothed with the same power and authority as peace officers to conduct investigations and to make arrests for any other unlawful offense or crime, misdemeanor, felony or other type of crime and such peace officer's authority may be exercised by livestock theft investigators anywhere within the state; provided, however, that livestock theft investigators shall not have the power or authority to execute search warrants."

Insert in lieu of the foregoing deleted sentence the following sentence:

Such employees designated and approved as peace officers hereunder shall also be authorized to investigate, serve subpoenas and make arrests for the theft of any farm machinery, equipment or supplies and perform such duties with respect to any other farm related crime as well as any other unlawful offense or crime and such peace officer authority may be exercised anywhere within the State; provided, however, livestock theft investigators shall not have the power or authority to execute search warrants.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Little	St. John
Barron	Higginbotham	Martin	Taylor
Britnell	Holmes	McDonald	Teague
Callahan	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Goodwin	Lemaster	Proctor	White
Gulledge			

—24

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 198. RELATIVE TO ADJOURNMENT OF BOTH HOUSES.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 198, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 198

Amend H. J. R. 198 by striking the following "we adjourn to meet again on Tuesday, July 3, 1979; and when we adjourn on Tuesday, July 3,

Which was adopted.

And said Resolution, H. J. R. 198, as thus amended, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Green, Starkey, Coburn, Smith (M):

H. J. R. 230. REGARDING GASOLINE SHORTAGES IN ALABAMA AND PRICE DISCREPANCIES THROUGHOUT THE STATE.

WHEREAS, though problems exist for the State of Alabama as a whole regarding availability of gasoline and steadily rising prices, there are many discrepancies which warrant both investigation and remedial action in cases of proven illegality; and

WHEREAS, in many of our northernmost counties, gasoline supplies are either non-existent or are far below those supplies available in other Alabama counties and in many counties just across the border in the State of Tennessee; and

WHEREAS, in addition to severe shortages such as in the Muscle Shoals and other northern areas, the prices charged for gasoline have averaged over the past twelve months anywhere from eight to as much as 14¢ per gallon higher than those charged in the rest of the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request that the Governor and his office take whatever steps may be necessary to see that an equitable share of our state's gasoline supplies is made available to the citizens of North Alabama.

BE IT FURTHER RESOLVED, That the Office of the Attorney General of Alabama initiate an immediate investigation into the disproportionately high prices charged in the northern areas of Alabama and prosecute to the fullest extent in cases of price-fixing and other illegalities.

RESOLVED FURTHER, That copies of this resolution be dispatched forthwith to Governor Fob James and to Attorney General Charles Graddick that they may at once take steps to comply with our requests.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 230, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roberts:

H. J. R. 221. AUTHORIZING AND DIRECTING THE BOARDS OF EDUCATION OF THE CITIES OF DECATUR AND HARTSELLE TO UNDERTAKE A STUDY OF A UNIFIED SCHOOL SYSTEM FOR THE CITIES OF DECATUR AND HARTSELLE AND MORGAN COUNTY.

WHEREAS, the Boards of Education of the Cities of Decatur and Hartselle operate successful school systems for the education of the children of said cities; and

WHEREAS, the Board of Education of Morgan County operates a successful school system for the education of the children of Morgan County; and

WHEREAS, there is a need to study the benefits that might accrue from the consolidation of these three school systems into a unified school system for the Cities of Decatur and Hartselle and Morgan County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Boards of Education of the Cities of Decatur and Hartselle be authorized and directed to conduct a study of a unified school system for the Cities of Decatur and Hartselle and Morgan County.

BE IT FURTHER RESOLVED, That this study shall include:

- a. Estimates of revenue from existing sources and recommended increases and decreases;
- b. Transportation of school children;
- c. Salary and pay scales of personnel;
- d. Administration and administrative consolidation of the school systems.

BE IT FURTHER RESOLVED, That the Study Commission created for this purpose is to consist of the following:

- a. The Mayors of the Cities of Decatur and Hartselle;
- b. The Chairman of the Morgan County Commission;
- c. The Superintendent of the Morgan County Schools;
- d. The Superintendents of the Decatur and Hartselle City Schools;
- e. One member each of the Boards of Education of the Cities of Decatur and Hartselle and of Morgan County to be selected by the Boards of Education of each school system;
- f. Two lay persons and members of the public at large to be selected, respectively, by the Boards of Education of each system;
- g. All members of the legislative delegation of Morgan County to serve as ex officio members.

BE IT FURTHER RESOLVED, That the Boards of Education of the Cities of Decatur and Hartselle and the Board of Education of Morgan County be authorized to furnish such personnel and assistance as they deem appropriate. The Chairman of the Morgan County Commission shall serve as temporary Chairman of the Study Commission and shall call its first meeting within 30 days after the passage of this resolution and, at that meeting, the Commission shall elect a Chairman, Vice Chairman and Secretary from among its membership.

RESOLVED FURTHER, That the Commission shall make such inquiries, hold such public hearings and investigations of the matters to which the study directed by this resolution relates and shall prepare a report of its findings with suggested recommendations as to the advisability of consolidation of all existing school systems in Morgan County and as to the manner and schedule by which such consolidation may be accomplished. Such report shall be completed by not later than 90 days prior to the convening of the Regular Session of the Legislature in 1981.

RESOLVED FURTHER, That a copy of a report of the findings of the Study Commission be filed with each member of the legislative delegation from Morgan County upon completion of the study.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 221, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 100. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts, so as to increase the statutory interest assumptions for new life insurance and annuity business; redefine the commissioners reserve valuation method for annuities; to modify the commissioners reserve valuation method and deficiency reserve requirements for those life insurance policies which now require deficiency reserves; to revise the permissible age setback for females in the standard nonforfeiture and valuation laws for life insurance from three years to six years; to revise the standard valuation law to increase the statutory interest rate for group annuities purchased prior to the 1972 NAIC Amendments to the standard valuation law; and to adopt a new standard nonforfeiture law for individual deferred annuities.

as amended by the substitute (which said substitute is set out in the Journal of the Senate for the Fifth Legislative day), was taken up.

And said Bill, S. B. 100, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor
Bailey	Figures	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Clemon	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White

—27

Nays:

—0

The Bill:

S. 30. To repeal section 12-1-6, Code of Alabama 1975, which relates to a procedure by which the Secretary of the Senate and the Clerk of the House of Representatives are required to notify the administrative director of courts of certain legislation pertaining to the judiciary.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	St. John
Bailey	Figures	Keener	Smith
Barron	Goodwin	Lemaster	Taylor
Britnell	Gulledge	Little	Teague
Callahan	Hall	Martin	Vacca
Clemon	Harrison	McDonald	Weeks
deGraffenried	Higginbotham	Proctor	White

—27

Nays:

—0

The Bill:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Proctor	Weeks
deGraffenried	Keener	Robertson	White
Denton	Lemaster		

—25

Nays:

—0

The Bill:

S. 197. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Barron	Gulledge	Martin	Taylor
Britnell	Hall	McDonald	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Proctor	White
Figures	Lemaster	St. John	

—22

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 230. REGARDING GASOLINE SHORTAGES IN ALABAMA AND PRICE DISCREPANCIES THROUGHOUT THE STATE.

On motion of Mr. Britnell, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cooley and Harvey:

H. 710. To allow the court in a divorce or separate maintenance action to order either parent to support his mentally or physically disabled child regardless of the child's age.

Also:

By Reps. Bedsole and Harper:

H. 417. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

Also:

By Rep. Turnham:

H. 347. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 710. To the Committee on Judiciary.

H. B. 417. To the Committee on Education.

H. B. 347. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Coburn and Goodwin (with notice and proof):

H. 723. Relating to Colbert County; to authorize the county commission to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing limestone within the county; to provide that the proceeds from the tax be distributed to the municipalities of the county and the general fund of the county to be designated for the roads of the municipalities and the county; to authorize the county commission to inspect the books of each person severing limestone and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; and to prescribe penalties for the violations of the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 723, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 723. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sasser:

H. 341. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Also:

By Reps. Shoemaker, Dial, Johnson (R. G.) and Moore:

H. 577. To amend Act No. 588, S. 660, 1978 Regular Session (Acts of 1978, p. 692), which appropriates money to Alabama Institute for Deaf and Blind to build a sheltered workshop so as to authorize a portion of said money to be used to construct an automotive body and fender shop.

Also:

By Rep. Gafford:

H. 360. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

Also:

By Rep. Warren:

H. 422. To amend Sections 9-13-10, 9-13-24 and 9-13-64, Code of Alabama 1975 relating to the powers of the state forestry commission employees as to the enforcement of laws, prevention and suppression of forest fires, and the power to arrest, so as to assign these powers to the forest law enforcement officers.

Also:

By Reps. Williams, Ray, Carothers, Grimsley, Ward, Whatley, Laird, Biddle and Holley:

H. 508. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

Also:

By Rep. Sasser:

H. 317. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 341. To the Committee on Education.

H. B.'s 577 and 317. To the Committee on Finance and Taxation.

H. B. 360. To the Committee on Governmental Affairs.

H. B.'s 422 and 508. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 77. CONGRATULATING AND COMMENDING MISS MOLLY MIZELL, NATIONAL "LITTLE MISS PEANUT."

Also:

S. J. R. 79. CONGRATULATING AND COMMENDING MISS TONIA KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

S. J. R. 85. COMMENDING AND CONGRATULATING MISS PATRICIA V. McCAULLEY, ALABAMA'S "MISS BLACK AMERICA" FOR 1979.

Also:

S. J. R. 86. URGING A POLICY FOR THE UNITED STATES THAT PROHIBITS THE SHIPMENT OF AGRICULTURAL SURPLUSES TO THOSE COUNTRIES THAT WOULD CAPITALIZE ON THE OIL SHORTAGES OF OUR NATION.

Also:

S. J. R. 84. NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

Also:

S. J. R. 88. COMMENDING COMMANDER JUSTICE BIGBEE OF THE VETERANS OF FOREIGN WARS STATE ORGANIZATION.

Also:

S. J. R. 93. URGING CONFIRMATION BY THE PRESIDENT OF STATE SENATOR U. W. CLEMON OF BIRMINGHAM AS JUDGE OF UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 97. HONORING DAVID McCALL, PRESIDENT OF THE ALABAMA FFA ASSOCIATION FOR 1979-80.

Also:

S. J. R. 106. DEPLORING RECENT ACTS OF VIOLENCE IN OUR STATE AS THE RESULT OF A TRUCKERS' STRIKE AND COMMENDING THE GOVERNOR FOR HIS STEPS TO INSURE THE SAFETY OF ALL IN THE STATE OF ALABAMA.

Also:

S. J. R. 107. DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY" IN TUSCALOOSA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 81. HONORING RANDOLPH G. "DOC" LURIE UPON HIS RETIREMENT AS AN ASSISTANT ATTORNEY GENERAL.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 5:40 P.M., on motion of Mr. Robertson, the Senate adjourned until Thursday, June 21, 1979, at 10 o'clock A.M.

Yeas 15; Nays 13.

Yeas:

Messrs.:	Goodwin	McDonald	Smith
Bailey	Gulledge	Mitchem	Teague
Clemon	Higginbotham	Robertson	Vacca
Figures	Keener	St. John	Weeks

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Nays:

Messrs.:	Hall	Martin	Taylor
Barron	Holmes	Parsons	White
Britnell	Kirkland	Proctor	
deGraffenried	Little		
Denton			

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TWENTIETH LEGISLATIVE DAY

THURSDAY, JUNE 21, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Dr. Sanford Colley, Professor of Education, University of Montevallo, Montevallo, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Clemon	Harrison	Mitchem	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Keener		

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JOURNAL

On motion of Mr. Proctor, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Proctor, leave of absence was granted Messrs. Miller and St. John for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Callahan:

S. 529. To authorize and make provision for the incorporation in any municipality of Housing Development Authorities for the purpose of making available at lower interest rates funds for the acquisition, construction and rehabilitation of owner-occupied, single-family dwelling units and multi-family units not to exceed six units, at least one of which is to be owner-occupied; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to purchase notes and other instruments secured by mortgages, deeds of trust, notes and other security interests on such single-family and multi-family dwelling units; to authorize any such Authority to foreclose such mortgages, deeds of trust, notes or other security interest, sell the equity of redemption of such security interest and purchase the equity of redemption of the grantor of the said security interests; to authorize any such Authority to make contracts with others for the origination and servicing of loans represented by such mortgages, deeds of trusts, notes and other security interests; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by such Authority, and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to authorize the sale of conveyance, with or without consideration, by any such Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judge of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; and to limit to

one the number of such Authorities which may exist in any municipality at any one time.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 530. To authorize the maintenance and testing of voting machines not later than ten (10) days before the election; to require returning officers to return vote totals, ballots, and ballot boxes to the courthouse immediately after the closing of the polls; to require vote counting to start immediately upon the closing of the polls; to authorize the use of a greater variety of vote tabulating equipment including electronic vote counting systems; to provide for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; to amend section 17-9-17, section 17-13-6, section 17-14-1, section 17-16-30, section 17-16-32, and section 17-16-35, to accomplish the foregoing.

Committee on Governmental Affairs.

By Messrs. Holmes and Parsons:

S. 531. To define terms; to prohibit restraints of trade and monopolization; to list exempt activities; to assure the vitality of state regulations; to define investigative demands; to provide relief; to provide penalties; to define limitations of action; to describe a prima facie case; to outline venue; to define prosecutorial authority; to make severability rules; to repeal conflicting law; and to announce an effective date.

Committee on Judiciary.

By Mr. Clemon:

S. 532. To amend Section 16-40-2 of the Code of Alabama 1975 relating to the course of instruction in the schools, colleges and universities in this state so as to provide further for the instruction of government or political science in the colleges and universities of this state receiving state support.

Committee on Finance and Taxation.

By Mr. McDonald:

S. 533. To amend the Code of Alabama 1975, Section 40-23-35, to remove the staffing restriction placed on employees in the Department of Pensions and Security county food stamp offices.

Committee on Governmental Affairs.

By Messrs. Smith and McDonald:

S. 534. To amend Section 8-8-5, Code of Alabama 1975, which provides for the maximum rate of interest upon loans of \$100,000.00 or more made to individuals, non-profit corporations, partnerships, or associations so as to include trustees and business trusts within the purview of this section; and provides for its retroactive effect.

Committee on Banking and Insurance.

By Messrs. Smith and McDonald:

S. 535. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans

may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

Committee on Governmental Affairs.

By Mr. Weeks (with notice and proof):

S. 536. To provide for and create the Barbour County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereto, and to provide for a referendum of the voters of the county and on the question of whether the act will become effective in the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 536, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Bailey, Mitchem, and McDonald:

S. 537. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of peanuts, milk, and cotton and peanut, milk and cotton products; and to provide for assessment and fees to pay for the cost thereof.

Committee on Agriculture, Conservation,
and Forestry.

The above Bill, S. B. 537, was read a first time at length as required by the Constitution.

By Mr. Teague:

S. 538. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Committee on Governmental Affairs.

By Mr. McDonald (with notice and proof):

S. 539. Relating to Limestone County; to provide further for the compensation of the members of the county board of equalization by authorizing the Limestone County commission to provide certain county salary supplements for such members.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 539, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Mitchem and Lemaster:

S. 540. To ratify the action of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements, when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

Committee on Governmental Affairs.

By Mr. Goodwin:

S. 541. Relating to motor vehicles; requiring as a prerequisite to registration of a motor vehicle and renewal of a driver's license that every person so registering or renewing shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility; to facilitate the procuring of such insurance by providing for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks and to prescribe penalty for enforcement.

Committee on Banking and Insurance.

By Messrs. Lemaster, Figures, and Robertson:

S. 542. To require all electrocutions be in public view; and to mandate that all electrocutions shall be televised live; to amend Sections 15-18-82 and 15-18-83 of the Code of Alabama 1975, so as to provide for public executions and access of the electronic news media to executions.

Committee on Judiciary.

By Mr. Little:

S. 543. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' examination or a comparable standardized test determined by the state board of education and score at least a minimum score to be set by the state board of education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the state board of education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Committee on Education.

By Mr. Harrison:

S. 544. To further insure the retention and preservation of this state's archives and history; to provide for the reorganization of the department of archives and history under the management of a director to be appointed by

the secretary of state; to prescribe the powers, duties and functions of the department of archives and history and of the director; to create the state records committee and to prescribe the duties and functions of such committee; to provide further for the preservation of state records; to amend Section 41-13-22, Code of Alabama 1975, so as to further provide for the composition of the county records commission; and to repeal certain conflicting statutes.

Committee on Governmental Affairs.

By Messrs. Smith and McDonald:

S. 545. To propose an amendment to the Constitution to amend further Section 217 of the Constitution, which relates to ad valorem taxation, so as to provide that local taxing authorities may increase millage rates of ad valorem taxes beyond the date of September 30, 1979, in the event that there is an uncompleted property reappraisal in that particular locality.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Goodwin:

S. 546. To amend Section 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails within the time prescribed, to file any reports required by law, rule or regulation.

Committee on Business and Labor Relations.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 34. Relating to Madison County; to provide further for the compensation of the members of the county board of equalization by authorizing the Madison County commission to provide certain county salary supplements for such members.

Also:

S. 39. Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other than cemeteries owned by private corporations licensed to operate a perpetual care cemetery in Madison County, and repealing conflicting statutes.

Also:

S. 361. Relating to the City of Gadsden, Alabama; amending Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787), which relate to the city's policemen and firemen retirement

fund and certain limitations of benefits and the time requirements therefor and restrictions of reemployment, so as to broaden certain benefits; and removing all restrictions of reemployment in state and local government after retirement, except by the City of Gadsden.

Also:

S. 44. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 77. CONGRATULATING AND COMMENDING MISS MOLLY MIZELL, NATIONAL "LITTLE MISS PEANUT."

Also:

S. J. R. 79. CONGRATULATING AND COMMENDING MISS TONIA KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

Also:

S. J. R. 81. HONORING RANDOLPH G. "DOC" LURIE UPON HIS RETIREMENT AS AN ASSISTANT ATTORNEY GENERAL.

Also:

S. J. R. 84. NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

Also:

S. J. R. 85. COMMENDING AND CONGRATULATING MISS PATRICIA V. McCAULEY, ALABAMA'S "MISS BLACK AMERICA" FOR 1979.

Also:

S. J. R. 86. URGING A POLICY FOR THE UNITED STATES THAT PROHIBITS THE SHIPMENT OF AGRICULTURAL SURPLUSES TO THOSE COUNTRIES THAT WOULD CAPITALIZE ON THE OIL SHORTAGES OF OUR NATION.

Also:

S. J. R. 88. COMMENDING COMMANDER JUSTICE BIGBEE OF THE VETERANS OF FOREIGN WARS STATE ORGANIZATION.

Also:

S. J. R. 93. URGING CONFIRMATION BY THE PRESIDENT OF STATE SENATOR U. W. CLEMON OF BIRMINGHAM AS JUDGE OF UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA.

Also:

S. J. R. 97. HONORING DAVID McCALL, PRESIDENT OF THE ALABAMA FFA ASSOCIATION FOR 1979-1980.

Also:

S. J. R. 106. DEPLORING RECENT ACTS OF VIOLENCE IN OUR STATE AS THE RESULT OF A TRUCKERS' STRIKE AND COMMENDING THE GOVERNOR FOR HIS STEPS TO INSURE THE SAFETY OF ALL IN THE STATE OF ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MOTIONS IN WRITING

Mr. Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 135, on page 49 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 135, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Taylor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 67, on page 46 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 67, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 66, on page 34 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 66, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 64, on page 75 of the 29th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 64, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 53. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Lewis, et al. (With Substitute):

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide each county with the option of converting to this system; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local act except in case of Madison County the Director of Motor Vehicle Licensing to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction, and to create a joint legislative committee to oversee the implementation of this Act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Martin, Goodwin, Cook, Denton, and Vacca (With Amendment):

S. 409. Relating to the establishment of a statewide voter registration file, maintenance system, with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special, or general election for four (4) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided for by law.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

By Mr. Teague:

S. 490. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Whatley:

H. 646. To amend Title 8, Section 8-17-91 of the Code of Alabama 1975 relating to the disposition of permit fees, inspection fees and penalties paid to the Commissioner of Agriculture and Industries pursuant to Sections 8-17-85 and 8-17-87 of the Code of Alabama of 1975, so as to provide that ten per cent (10%) of the amount collected thereunder each month or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

By Reps. Wyatt, Venable and McMillan:

H. 605. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or "pen-raised" upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this act.

By Rep. Williams, et al:

H. 508. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

By Rep. Holley, et al:

H. 303. To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indemnification for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indemnification program.

By Reps. Holley and Whatley:

H. 620. To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of *Aspergillus flavus* or freeze damage.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 308. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Clemon:

S. 499. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

By Rep. Warren:

H. 422. To amend Sections 9-13-10, 9-13-24 and 9-13-64, Code of Alabama 1975 relating to the powers of the state forestry commission employees as to the enforcement of laws, prevention and suppression of forest fires, and the power to arrest, so as to assign these powers to the forest law enforcement officers.

By Rep. McMillan:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton (With Substitute):

S. 461. To provide that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Robertson (With Substitute):

H. 186. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified psychologist of this State notwithstanding any provisions of the policies or contracts to the contrary.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Hines, Howard, Gafford and Williams:

H. 137. To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

By Rep. Turnham:

H. 347. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Substitute):

S. 6. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 526. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this Act; the creation and establishment of the Division of Mined Land Reclamation within the Department of Industrial Relations with power and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, requires a bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit or license; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Division; provides for legal remedies, enforcement provisions and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and, provides for approval of certain coal leases; provides for severability; sets effective date of the act; and establishes a procedure for declaring lands unsuitable for mining; provides for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to designate the Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of the state program for abandoned mine reclamation; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of the state program for abandoned mine reclamation; and to provide for intergovernmental cooperation in the implementation of this Act.

To suspend and cause to be inoperative Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, so long as this Act remains in effect and to amend Section 4 of Act No. 551 with Section 4 of this Act effective immediately upon its passage and approval by the Governor, or it otherwise becoming a law; also, to declare null and void and be of no further force and effect all laws or parts of laws which conflict with this Act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Proctor and Cook (with notice and proof):

S. 484. Relating to Shelby County; providing for the compensation of the tax assessor and tax collector.

By Mr. Teague:

S. 527. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

By Rep. Warren (with notice and proof):

H. 64. Relating to Conecuh County, to provide a county salary supplement for the chairman and each member of the county commission, retroactively effective to January 15, 1979.

By Rep. Reed (with notice and proof):

H. 658. Relating to Macon County; providing further for the advertisement of notice of intention to apply for passage of local laws.

By Rep. McCorquodale:

H. 597. Relating to counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the 1970 or any subsequent federal decennial census; to regulate and control the operation and licensing of massage parlors and provide penalties for violations of this act.

By Rep. Warren (with notice and proof):

H. 571. Relating to Conecuh County; to amend Section 1 of Act No. 241, H. 386, 1973 Regular Session (Acts of 1973, p. 272), which act imposes a tax on malt or brewed alcoholic beverages, so as to further provide for such tax.

By Rep. Warren (with notice and proof):

H. 169. Relating to Conecuh County; to provide for an additional expense allowance for the county coroner.

By Rep. Smith (C) (with notice and proof):

H. 682. Relating to Chilton County; to provide further for the salaries of certain county officials.

By Rep. Smith (C) (with notice and proof):

H. 696. Relating to Chilton County; permitting the sheriff to hire and maintain additional deputies under the Comprehensive Employment and Training Programs.

By Rep. Willis (with notice and proof):

H. 701. To repeal Act No. 945, H. 1401, 1975 Regular Session, (Acts 1975, p. 1970), entitled "An Act To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

By Reps. Campbell, Willis and Crow (with notice and proof):

H. 765. To alter, rearrange and extend the boundaries and corporate limits of the City of Anniston, Calhoun County, Alabama, so as to annex certain territory of the City.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cheatwood (with notice and proof):

H. 46. To repeal Act No. 786, H. 60, 1975 Regular Session (Acts of Alabama 1975, p. 1572), entitled, "An Act Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act."

By Rep. Gafford (with notice and proof):

H. 288. Relating to counties having a population of 500,000 or more according to the last or any subsequent federal census in 1961, 1971 and in any tenth year thereafter; repealing Act No. 530, H. 1096 of the 1959 Regular Session (Acts 1959, Vol. 2, p. 1305), as last amended, relating to voter reidentification and requiring the Board of Registrars in any such county to periodically purge lists of the qualified electors, entitled, "An Act To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury."

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, Cook, White and Hall (with notice & proof) (With Amendment):

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof):

S. 496. To amend Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) providing for the incorporation of a municipal parking authority as a public corporation in any city of the state having a population of 300,000 or more, according to the last or any subsequent federal census, so as to grant additional powers to such authority.

By Messrs. Vacca, Cook, White, and Hall (with notice and proof):

S. 524. To further amend subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

By Messrs. Vacca, Cook, White, and Hall (with notice and proof):

S. 525. To further amend subsection (b) of Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

By Rep. Gafford (with notice and proof):

H. 287. Relating to Jefferson County; providing for and requiring the reidentification of each qualified elector in the county in 1971 and in 1981 and in each fourth year thereafter; requiring the Board of Registrars to take the necessary action to purge the lists of the qualified electors in the county in 1981 and in each fourth year thereafter; authorizing the employment of investigators to assist in purging such lists; and providing that any person making a wilfully false statement in connection with reidentification shall be guilty of perjury.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hammett:

H. 146. To amend section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the highways of Alabama so as to allow livestock trucks to measure up to 65 feet in length.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Gullledge (With Substitute):

S. 214. To provide that the corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the demonstration of the single tax principal shall be revoked.

By Mr. Little:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

By Mr. Holmes:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

By Mr. Parsons:

S. 233. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

By Mr. Goodwin:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

By Rep. Dixon, et al (With Amendment):

H. 104. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' examinations or comparable standardized test determined by State Board of Education and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

By Rep. Cosby, et al:

H. 61. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

MOTION IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 244, on page 47 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 244, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Claude Burke as a member of the Alabama Commission on Higher Education

On motion of Mr. McDonald, the appointment of Mrs. Burke as a member of the Alabama Commission on Higher Education was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Glass	Holmes	Robertson
Bailey	Goodwin	Keener	Taylor
Barron	Gulledge	Little	Teague
Britnell	Hall	McDonald	Vacca
deGraffenried	Harrison	Parsons	Weeks
Denton	Higginbotham		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate amendment to the following House Joint Resolution:

H. J. R. 198. RELATIVE TO ADJOURNMENT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 208. WHEREAS, the state of the judiciary and the administration of justice is of paramount interest to the Legislature and to the citizens of Alabama; and

WHEREAS, it has been a custom and tradition in many of our sister states to invite their Chief Justice to report annually on the state of the judicial branch of government to the Legislature; and

WHEREAS, the Honorable C. C. Torbert, Jr., Chief Justice of the Alabama Supreme Court and administrative head of the Judicial Branch of government did deliver such a report to the Legislature during the 1978 Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, both Houses thereof concurring:

That the Honorable C. C. Torbert, Jr., Chief Justice of the Supreme Court of Alabama, is hereby cordially invited to address a joint session of the Legislature and report on the state of the judiciary and the administration of justice in Alabama at 11:00 a.m. on the 28th day of June, 1979.

BE IT FURTHER RESOLVED that a copy of this resolution, be sent to the Chief Justice as an invitation to address a joint session of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 208, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

INTERIM COMMITTEE REPORT FILED

Under the provisions of Act 84, 1976 Regular Session, the report of the Board of Corrections Management and Performance Evaluation Committee was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Waggoner, Turnham, McCorquodale, Cabaniss, Trammell, Gafford, Harrison, Horn, Biddle, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 222. EXPRESSING THE LEGISLATURE'S GRATITUDE TO GEORGE G. SEIBELS, JR.

Also:

By Reps. Reed and Harrison:

H. J. R. 223. CONGRATULATING MR. BURTON D. COLE ON THE OCCASION OF HIS 100TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 222, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 223, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Johnson (Roy), Mitchell, Barton, Owens and Howard:

H. J. R. 231. DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY" IN TUSCALOOSA, ALABAMA.

WHEREAS, Mr. Morris "Munny" Sokol, retired Tuscaloosa businessman, is a native of Birmingham who was educated in the public schools of that city and is a University of Alabama graduate in Business Administration; he also attended the University's School of Law and is a U. S. Army veteran of World War II who advanced from the rank of private to Captain and served in the European Theatre of Operations; and

WHEREAS, Munny Sokol is a first generation American whose parents emigrated to this country from Europe in 1906; he is a member and serves as finance chairman of the Temple Emanuel in Tuscaloosa, is also co-chairman of the Temple's building fund, past chairman of the building committee and a past president of B'nai B'rith Lodge and the Federation of Jewish Charities; and

WHEREAS, Mr. Sokol is an established leader in all phases of community life; dedicated to serving the needs of others, he has for many years given generously of his time and talents, interest, efforts and resources to numerous charitable and civic organizations; and

WHEREAS, the United Fund, Salvation Army, the Scout program, Boys' Ranch, and many other worthwhile organizations have benefitted from Munny Sokol's dedicated labors as have the Exchange Club, Chamber of Commerce, Tuscaloosa County Industrial Board and many, many others; and

WHEREAS, his awards and honors have been many, the latest of which is Tuscaloosa's "Munny Sokol Park," named and dedicated in his honor and in appreciation of his humanitarian efforts on behalf of his fellow man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary service to others and in tribute to one of our state's most outstanding citizens, this body hereby designates July 9, 1979, "Munny Sokol Day" in Tuscaloosa, Alabama, the community he has loved and served so well.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Mr. Sokol as a memento of this honorary designation and as evidence of our appreciation, praise and esteem.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 231, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

H. J. R. 177. SUPPORTING THE EFFORTS OF THE CITIZENS AND CITY OFFICIALS OF ANDALUSIA, ALABAMA, IN SEEKING SELECTION AS THE SITE OF THE 1980 BABE RUTH 16-18 YEAR OLD BASEBALL WORLD SERIES.

WHEREAS, Andalusia in Covington County, Alabama, is one of three cities in the nation being considered as the site of the 1980 Babe Ruth 16-18 Year Old Baseball World Series, a sports event of national scope held annually, but in various locales as selected by the Babe Ruth Association; and

WHEREAS, Andalusia is this year the host city for the Southeastern Regional Babe Ruth Tournament to be held in August, a fact which has generated an epidemic of "baseball fever" in this South Alabama city which already is renowned for its love of the sport; and

WHEREAS, with excellent facilities available and meeting all other criteria, Andalusia, in the opinion of the Alabama Legislature, would be an excellent choice as the location for the 1980 Babe Ruth World Series; the 32,000-dollar guarantee also is satisfied with the Andalusia City Council approving \$10,000 of that amount evidencing the good faith of the Council and that body's commitment to fully support the Series; and

WHEREAS, as the Babe Ruth 16-18 Year Old Baseball World Series is a prestigious event avidly sought by numerous cities, the Legislature is cognizant, as is the City of Andalusia, that selection as the site of the Series is a great honor of inordinate benefit both financially and as a measure of distinction and fame; thus, fully aware of the many advantages, the citizens and city officials of Andalusia, Alabama are fully committed to further the success of the Babe Ruth World Series with the total and complete support of all its citizens as well as all other Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly endorse the efforts of the City of Andalusia in seeking selection as the site of the 1980 16-18 Year Old Babe Ruth Baseball World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Andalusia Mayor Bryant Chalmers and to Mr. Ronald Tellefson, Executive Director of Babe Ruth Baseball, that they may know of our endorsement and of our pledge to support Babe Ruth Baseball in Andalusia in any and every possible way.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Parsons, the Rules were suspended and the Resolution, H. J. R. 177, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Williams, Sasser, Holley, Daniels and Carothers:

H. J. R. 181. NAMING THE MEDIA BUILDING AT GEORGE C. WALLACE STATE COMMUNITY COLLEGE, THE "GEORGE H. GRIMSLEY MEDIA BUILDING."

WHEREAS, George H. Grimsley has devoted his entire adult life in the field of education, having served for forty-two years; and

WHEREAS, Mr. Grimsley has been a devoted member of the George C. Wallace State Community College staff for seventeen years, having served as Vice-President and interim President of the institution; and

WHEREAS, Mr. Grimsley has served his community and the entire Wiregrass Area with distinction in the field of rehabilitation work, and other civic and religious affairs, having served as President of the Haleburg Lions Club, and has served his country as an army officer during World War II; and

WHEREAS, George H. Grimsley has served youth in the coordination and implementation of various training programs for underprivileged and deserving young men and women in his community and surrounding area in his present position of Vice-President of George C. Wallace State Community College; and

WHEREAS, Mr. Grimsley has been most active in his support and implementation of programs at the George C. Wallace State Community College; and

WHEREAS, Mr. Grimsley's interest and influence have been great in the formative years of the academic program and the institution's development of the vocational-technical program; he has also served in various capacities of implementation of training programs for industries of the Wiregrass area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Media Building, which is located on the campus of George C. Wallace State Community College at Napier Field, Dothan, Alabama, is hereby named and designated as the "George H. Grimsley Media Building."

BE IT FURTHER RESOLVED, That the Alabama State Board of Education is hereby authorized and directed to erect appropriate signs and markers around and above the described building displaying the name hereby established.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailey, the Rules were suspended and the Resolution, H. J. R. 181, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILL RECONSIDERED

The Senate proceeded to further consideration of the motion to reconsider the Bill:

S. 184. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

Which motion was made by Mr. Vacca on the Eleventh Legislative Day.

And the Senate did reconsider said Bill, S. B. 184.

On motion of Mr. Vacca, the Senate reconsidered the vote by which the Bill was ordered to its third reading.

Mr. Pearson offered the following substitute for the Bill, S. B. 184, to-wit:

SUBSTITUTE FOR S. B. 184

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of 1901, as amended, so as to create an additional probate judgeship in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

Additional Probate Judgeship for Jefferson County. In Jefferson County there shall be an additional probate judgeship, designated probate judgeship No. 2. Such judge shall be learned in the law, over the age of twenty-five years and a resident of the county for one year next preceding the date of taking office. The additional judgeship shall be filled by appointment by the chief justice of the supreme court, within ten days after the approval of this amendment by the electors and proclamation of the Governor. The appointee shall hold office until his successor is elected and qualified as provided by Article VI. The judge for the additional judgeship shall be elected thereafter as are other probate judges in this state.

The existing probate judgeship in Jefferson County shall be designated judgeship No. 1. The present judge shall be the presiding judge until the expiration of his term of office and thereafter the judge who has been in office as probate judge the longest shall be the presiding judge, but if neither of them has been in office longer than the other, the chief justice of the supreme court shall name the presiding judge. Candidates for the office of probate judge in Jefferson County shall designate whether they are candidates for the office of probate judge No. 1 or for the office of probate judge No. 2.

The probate judge appointed or elected for probate judgeship No. 2 shall have and exercise all the jurisdiction, power, right and authority; he shall possess all of the qualifications, perform all of the duties required, have all of the authority of appointment of clerical help and other court officers allowed by law; and he shall be subject to all the pains and penalties of such office as any other such judge is subject to in Jefferson County.

The compensation of such judge, including expense allowances and supplements, shall be paid in the same amount as that of the other probate judge in the county.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	Smith	
Britnell	Hall	Martin	Taylor	
Clemon	Higginbotham	McDonald	Vacca	
Cook	Holmes	Parsons	White	
Denton	Keener			—25

Nays: —0

And said Bill, S. B. 184, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	Smith	
Britnell	Hall	Martin	Taylor	
Clemon	Higginbotham	McDonald	Vacca	
Cook	Holmes	Parsons	White	
Denton	Keener			—25

Nays: —0

LOCAL BILLS ON THIRD READING

The Bill:

S. 475. Relating to Etowah County; to further provide for the preparation of the lists of qualified electors which the judge of probate is required to furnish the election inspectors; and to provide for the expenses of the judge of probate for preparation of such lists.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Goodwin	Pearson	Vacca	
Callahan	Gulledge	Proctor	Weeks	
Clemon	Hall	Robertson	White	
Cook	Keener			—25

Nays: —0

The Bill:

H. 748. Relating to Washington County; to further provide for a clerk-hire allowance for the county tax collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 749. Relating to Washington County; to authorize the county commission to pay all fees, dues and related expenses of membership in any professional organization to which the supernumerary tax assessors and supernumerary tax collectors of the county may belong; and to provide for payment of expenses of attendance at certain meetings.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

S. 487. Relating to Calhoun County; authorizing the establishment of branch banks within the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	Robertson	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Mitchem	Teague	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 488. To repeal Act No. 183, H. 364, Regular Session 1961 (Acts 1961, p. 225), as amended, entitled, "An Act Authorizing the establishment of branch banks in counties having populations of not less than 95,000 nor more than 115,000."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Robertson	
Barron	Glass	Martin	Smith	
Britnell	Goodwin	Mitchem	Teague	
Callahan	Gulledge	Parsons	Weeks	
Clemon	Hall	Pearson	White	
Cook	Holmes			—25

Nays: —0

CONSENT CALENDAR

The Bill:

S. 214. To provide that the corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the demonstration of the single tax principal shall be revoked.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 214, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 214

A BILL TO BE ENTITLED AN ACT

To provide that the corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the demonstration of the single tax principal shall be revoked, and to provide for the distribution of assets.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the purpose of demonstrating the single tax principal shall be and the same is hereby revoked.

Section 2. Upon the dissolution of any such corporation by the legislature or otherwise, the assets of such corporation shall be applied and distributed as follows:

(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) One hundred dollars (\$100.00) shall be returned to each member of the corporation for reimbursement of their membership fee;

(3) Assets received and held by the corporation subject to trust or other limitations permitting their use only for mutual benefit, charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held subject to contract or lease, shall only be distributed to another non-profit corporation similarly situated, consisting of the members and lessees of the prior corporation. On the absence of such transfer, such assets shall escheat to the State;

(4) Assets received and held by the corporation subject to lease rights or other contract rights shall only be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the absence of such transfer, such assets or property held subject to lease or contract, shall be offered for sale to the lessee at a fair market value or independently appraised value. If such offer is refused, the property may be sold at public auction and the proceeds applied to property held subject to a trust for the mutual benefit of the members of another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation, and any purchaser at such public auction shall hold such property subject to trust and lease limitations and shall automatically become a member of any non-profit corporation similarly situated to which assets are distributed;

(5) Other assets, if any, shall be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the event such transfer is not made, such assets will escheat to the State.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 11; Nays 2.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Holmes	Smith
Britnell	Hall	Keener	Taylor
deGraffenried	Harrison	Mitchem	Vacca

—11

Nays: Messrs.: Callahan, McDonald.

—2

Abstaining: Mr. Little.

—1

And said Bill, S. B. 214, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 3.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Holmes	Parsons
Britnell	Hall	Keener	Robertson
Cook	Harrison	Martin	Taylor
Denton	Higginbotham	Mitchem	Vacca

—15

Nays: Messrs.: Clemon, Pearson, White.

—3

Abstaining: Mr. Little.

—1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 209. TO ESTABLISH A STUDY COMMITTEE ON THE PROCESS OF PASSING LOCAL LEGISLATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 68. To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

Also:

H. J. R. 198. RELATING TO MEETING DATES FROM THURSDAY, JUNE 14, 1979, THROUGH TUESDAY, JULY 10, 1979.

Also:

H. J. R. 221. AUTHORIZING AND DIRECTING THE BOARDS OF EDUCATION OF THE CITIES OF DECATUR AND HARTSELLE TO UNDERTAKE A STUDY OF A UNIFIED SCHOOL SYSTEM FOR THE CITIES OF DECATUR AND HARTSELLE AND MORGAN COUNTY.

Also:

H. J. R. 230. REGARDING GASOLINE SHORTAGES IN ALABAMA AND PRICE DISCREPANCIES THROUGHOUT THE STATE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Taylor
Barron	Hall	Martin	Teague
Britnell	Harrison	McDonald	Vacca
Clemon	Higginbotham	Mitchem	Weeks
Denton	Holmes	Parsons	White
Goodwin	Keener	Proctor	

—22

Nays:

—0

The Bill:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 5.

Yeas:

Messrs.:	deGraffenried	Holmes	Smith
Barron	Hall	Parsons	Taylor
Britnell	Higginbotham	Proctor	Vacca
Cook			

—12

Nays:

Messrs.:	Keener	McDonald	White
Denton	Little		

—5

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 233. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Bailey	Goodwin	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Harrison	Parsons	Teague
Clemon	Higginbotham	Pearson	Vacca
Cook	Holmes	Proctor	White
deGraffenried	Keener		

—25

Nays: —0

The Bill:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Barron	Clemon	deGraffenried
Bailey	Britnell	Cook	Denton

Goodwin	Holmes	McDonald	Taylor
Hall	Keener	Parsons	Teague
Harrison	Lemaster	Proctor	Weeks
Higginbotham	Little	Smith	White

—23

Nays:

—0

The Bill:

H. 104. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teacher's examinations or comparable standardized test determined by State Board of Education and score at least a minimum score to be set by the State Board of Education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the State Board of Education the authority to provide rules and regulations necessary to carry out the provisions of this act.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, H. B. 104, to-wit:

COMMITTEE AMENDMENT TO H. B. 104

Amend House Bill 104 by adding immediately after Section 4 the following Section 5 and renumbering the remaining sections accordingly.

Section 5. Any person who has previously held a teaching certificate from the State of Alabama and whose certification has expired shall be excluded from taking the test herein given for recertification.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith
Bailey	Hall	Little	Taylor
Barron	Harrison	Martin	Teague
Britnell	Higginbotham	McDonald	Vacca
Clemon	Holmes	Proctor	Weeks
Cook	Keener	Robertson	White
deGraffenried			

—24

Nays:

—0

Mr. Teague moved that the Bill, H. B. 104, as amended, be removed from Consent Calendar and re-referred to another Committee for lack of a fiscal note, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 104, as amended, re-referred to the Standing Committee on Finance and Taxation.

The Bill:

H. 61. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

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was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Keener	Robertson	White
Goodwin			—24

Nays: —0

RECESS

At 12 o'clock Noon, on motion of Mr. Hall, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 109. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 20th Legislative Day:

Bill No.	Page No.	Description
H. B. 242	41	Small Loan
S. B. 202	57	5th Jud. Circ., 3 judges
S. B. 389	31	UAB, approp., cap. outlay
S. B. 87	54	Guaranteed min. starting wage, all law enf. off.
S. B. 227	23	Utility systems boards, fees
S. B. 212	23	Elections voting hours
S. B. 482	76	Grand Jury proceedings
S. B. 334	26	Unitization orders, def.
S. B. 335	27	St. Oil & Gas Bd. Bldg. new wing
S. B. 338	27	Oil redefined
H. B. 66	34	Oil and gas well permit fees
H. B. 39	53	Alcoholic Bev. Control Board
S. B. 187	23	Auth. for out-of-state travel
S. B. 368	39	School bldg. const. retainage
S. B. 20	2	Regulation of sale of cert. school courses

S. B. 50	30	AL Admn. proc. act
S. B. 258	36	Sunset Act Amended
S. B. 283	40	Bd. of Exam. in Counseling
S. B. 138	12	Cert. mobile homes, reg. & id.
S. B. 349	68	Political donations
H. B. 65	52	Seeds: Comp., Inv. Com. est.
H. B. 52	59	New Inst. Health Serv.
S. B. 178	23	Forest law enf. off. auth.
S. B. 245	10	St. Forestry Comm. Leo, certain powers
S. B. 395	62	Adoptions
S. B. 387	71	Banking, Dept. licensing
S. B. 136	26	Temp. m.v. license tags
S. B. 90	28	Descent & dis. of real est. of intestate
S. B. 219	21	Eradication of swine disease approp.
S. B. 468	61	Civil actions

And said Resolution, S. R. 109, was then adopted by the Senate.

Yeas 20; Nays 5.

Yeas:

Messrs.:	Higginbotham	Martin	Smith
Britnell	Holmes	McDonald	Taylor
Callahan	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Harrison			

—20

Nays:

Messrs.:	Goodwin	Little	Robertson
Barron	Hall		

—5

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 70. ADMONISHING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION BY NOT ALLOWING THE PETER VASCHENKO AND VLADIMIR SLEPAH FAMILIES TO EMIGRATE FROM THE U.S.S.R.

The Standing Committee on Rules reported the following substitute for the Resolution, to-wit:

SENATE SUBSTITUTE FOR S. J. R. 70

S. J. R. 70. ADMONISHING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION BY NOT ALLOWING THE PETER VASCHENKO AND VLADIMIR SLEPAH FAMILIES TO EMIGRATE FROM THE U.S.S.R.

WHEREAS, the Universal Declaration of Human Rights was signed by the U.S.S.R., which declaration guaranteed to all people the right of free emigration; and

WHEREAS, the U.S.S.R. refuses to abide by the terms of both the Declaration and the Accords in that the U.S.S.R. among other things refuses to permit free emigration and refuses to recognize the rights of its citizens to leave the country permanently; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we admonish the U.S.S.R. for its refusal to grant exit visas and emigration to the Peter Vaschenko and Vladimir Slepah families.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President of the United States, the Secretary of State of the United States, the Secretary of the Central Committee of the Communist Party of the U.S.S.R., and the U.S.S.R. Ambassador to the United States.

Which was adopted.

And said Resolution, S. J. R. 70, as thus amended by the substitute, was then adopted by the Senate.

Yeas 16; Nays 7.

Yeas:

Messrs.:	Goodwin	Holmes	Parsons
Bailey	Gulledge	Kirkland	Robertson
Britnell	Hall	Little	Taylor
deGraffenried	Harrison	Martin	White
Denton			

—16

Nays:

Messrs.:	Higginbotham	McDonald	Smith
Barron	Keener	Mitchem	Vacca

—7

Mr. Harrison moved that the Senate reconsider the vote by which the Resolution, S. J. R. 70, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 748. Relating to Washington County; to further provide for a clerk-hire allowance for the county tax collector.

Also:

H. 749. Relating to Washington County; to authorize the county commission to pay all fees, dues and related expenses of membership in any professional organization to which the supernumerary tax assessors and supernumerary tax collectors of the county may belong; and to provide for payment of expenses of attendance at certain meetings.

Also:

H. J. R. 177. SUPPORTING THE EFFORTS OF THE CITIZENS AND CITY OFFICIALS OF ANDALUSIA, ALABAMA, IN SEEKING SELECTION AS THE SITE OF THE 1980 BABE RUTH 16-18 YEAR OLD BASEBALL WORLD SERIES.

Also:

H. J. R. 181. NAMING THE MEDIA BUILDING AT GEORGE C. WALLACE STATE COMMUNITY COLLEGE, THE "GEORGE H. GRIMSLEY MEDIA BUILDING."

Also:

H. J. R. 208. Inviting the Honorable C. C. Torbert, Jr., Chief Justice of the Supreme Court of Alabama, to address a joint session of the Legislature and report on the state of the judiciary and the administration of justice in Alabama at 11:00 a.m. on 28th day of June, 1979.

Also:

H. J. R. 223. CONGRATULATING MR. BURTON D. COLE ON THE OCCASION OF HIS 100TH BIRTHDAY.

Also:

H. J. R. 231. DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY" IN TUSCALOOSA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Britnell offered the following Senate Resolution, to-wit:

S. R. 110. HONORING MR. FULLER KIMBRELL ON THE OCCASION OF HIS 70th BIRTHDAY.

Which was adopted.

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 111. CONGRATULATING AND COMMENDING THE HOME BUILDERS ASSOCIATION OF THE MUSCLE SHOALS AREA FOR OUTSTANDING COMMUNITY CONTRIBUTION.

WHEREAS, The Home Builders Association of the Muscle Shoals Area learned of the plight of 83 year old Ms. Sylvia Hodges living in an old school bus without heat, water, and sanitary facilities; and

WHEREAS, this association voluntarily undertook the design and construction of a safe, sanitary home for Ms. Hodges; and

WHEREAS, Ms. Hodges has been afforded this home as long as she lives at no cost by the Home Builders Association of the Muscle Shoals Area; and

WHEREAS, Ms. Hodges now enjoys a new standard of living for her remaining years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and commend the Home Builders Association of the Muscle Shoals Area for their act of humanitarianism in the highest American ideals.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Home Builders Association of the Muscle Shoals Area and the President of the Home Builders Association of Alabama.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 61. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Mr. Barron offered the following Senate Resolution, to-wit:

S. R. 112. COMMENDING ALEXINE S. BECKER ON HER RETIREMENT FROM SOUTH CENTRAL BELL TELEPHONE COMPANY.

Which was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint

Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 107. DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY" IN TUSCALOOSA, ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 242. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

Mr. Little raised the point of order that the Bill, H. B. 242, does not have a fiscal note attached thereto.

Under the provisions of Rule 45, the President and Presiding Officer of the Senate requested the Sense of the Senate on the following question.

"Do you wish this Bill, H. B. 242, to be re-referred to the Standing Committee on Finance and Taxation for the purpose of attaching a fiscal note?"

Upon a call of the roll, the members of the Senate responded as follows:

Yeas 8; Nays 22.

Yeas:

Messrs.:
Barron
deGraffenried

Denton
Hall

Holmes
Little

Pearson
Robertson

—8

Nays:

Messrs.:
Britnell
Callahan
Cleon
Figures
Goodwin

Gulledge
Harrison
Higginbotham
Keener
Kirkland
Lemaster

Martin
McDonald
Mitchem
Parsons
Proctor
Smith

Taylor
Teague
Vacca
Weeks
White

—22

Whereupon the President and Presiding Officer of the Senate ruled that re-referral of the Bill, H. B. 242, was not necessary.

Mr. Pearson offered the following amendment to the Bill, H. B. 242, to-wit:

AMENDMENT TO H. B. 242

Amend H. B. 242 as follows:

In the Synopsis, page 1, line 12, strike the period and add the following language:

, so as to prohibit insurance being issued in connection with any loan made under this Act and establishing penalties for violations.

In the Title, page 1, line 21, strike the language "further provide for" and insert in lieu thereof:

to prohibit the issuing of

In the Title, page 1, line 22, strike the period and insert in lieu thereof:

and to establish penalties for violations thereof.

In Section 2, from line 16 on page 14 through line 19 on page 15, strike all the language in subsections (a) through (d) and insert in lieu thereof the following language:

Any insurance is prohibited from being issued in connection with any loan made under the provisions of this Act. Any violation of this provision shall result in triple the amount of the loan being paid to the state by the lender, plus any court costs incurred in carrying out this provision, plus forfeiture of the entire loan obligation due from the borrower.

MOTION TO ADJOURN LOST

At 4:10 P.M., Mr. Hall moved that the Senate adjourn until Tuesday, June 26, 1979, at 2 o'clock P.M., which motion was lost.

Yeas 8; Nays 20.

Yeas:

Messrs.:	Hall	Holmes	Pearson	
Bailey	Harrison	Little	Robertson	
Figures				—8

Nays:

Messrs.:	Goodwin	Lemaster	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Higginbotham	McDonald	Vacca	
Callahan	Keener	Mitchem	Weeks	
deGraffenried	Kirkland	Smith	White	
Denton				—20

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy (C), Buskey, Turner, Harper (T), and Stewart (with notice and proof):

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or any other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 736, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Moore:

H. 426. Relating to the eighteenth judicial circuit of Alabama; to amend the title and Section 1 of Act No. 119, H. 52, 1975 Third Special Session (Acts of 1975, p. 347), entitled "An Act To provide an expense allowance to the official court reporter, for Circuit Judge Place No. 1 of the eighteenth judicial circuit of Alabama payable by the counties composing said circuit" as last amended, so as to provide an expense allowance to the official court reporter for Circuit Judge Place No. 3 of the eighteenth judicial circuit of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 736 and 426. To the Committee on Local Legislation No. 1.

RESOLUTION

Mr. Kirkland offered the following Senate Resolutions, to-wit:

S. R. 113. HONORING FORMER CONSERVATION OFFICER, W.A. THAMES OF EVERGREEN.

Also:

S. R. 114. NAMING THE AUDITORIUM AT PATRICK HENRY STATE JUNIOR COLLEGE IN HONOR OF DR. JAMES D. NETTLES.

Also:

S. R. 115. COMMENDING CAPTAIN ROBERT M. THACKERY OF EVERGREEN, RECENTLY RETIRED.

Which were adopted.

FURTHER CONSIDERATION OF H. B. 242

The Senate proceeded to further consideration of the Bill, H. B. 242. The question was on the amendment offered by Mr. Pearson.

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Mr. White moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 15.

Yeas:

Messrs.:	Goodwin	Martin	Teague	
Britnell	Gulledge	McDonald	Vacca	
Callahan	Higginbotham	Mitchem	White	
Cook	Keener	Taylor		—14

Nays:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Lemaster	Robertson	
Barron	Hall	Little	Smith	
deGraffenried	Holmes	Pearson	Weeks	—15

And said amendment was then lost.

Yeas 14; Nays 15.

Yeas:

Messrs.:	Denton	Kirkland	Robertson	
Bailey	Figures	Little	Smith	
Barron	Hall	Pearson	Weeks	
deGraffenried	Holmes	Proctor		—14

Nays:

Messrs.:	Goodwin	Lemaster	Taylor	
Britnell	Gulledge	Martin	Teague	
Callahan	Higginbotham	McDonald	Vacca	
Cook	Keener	Mitchem	White	—15

Mr. Pearson then offered the following amendment to the Bill, H. B. 242, to-wit:

AMENDMENT TO H. B. 242

Amend H. B. 242 as follows:

In the Synopsis, page 1, line 12, strike the period and add the following language:

, so as to prohibit insurance being issued in connection with any loan made under this Act and establishing penalties for violations.

In the Title, page 1, line 21, strike the language "further provide for" and insert in lieu thereof:

to prohibit the issuing of

In the Title, page 1, line 22, strike the period and insert in lieu thereof:

and to establish penalties for violations thereof.

In Section 2, from line 16 on page 14 through line 19 on page 15, strike all the language in subsections (a) through (d) and insert in lieu thereof the following language:

Any insurance is prohibited from being issued in connection with any loan made under the provisions of this Act. Any violation of this provision shall result in triple the amount of the loan being paid to the state by the lender, plus any court costs incurred in carrying out this provision, plus forfeiture of the entire loan obligation due from the borrower prior to year 2099.

On motion of Mr. White, said amendment was laid on the table.

Yeas 17; Nays 12.

Yeas:

Messrs.:	Gulledge	McDonald	Teague
Britnell	Higginbotham	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Lemaster	Taylor	White
Goodwin	Martin		

—17

Nays:

Messrs.:	Denton	Holmes	Pearson
Bailey	Figures	Kirkland	Proctor
Barron	Hall	Little	Smith
deGraffenried			

—12

Mr. Pearson then offered the following amendment to the Bill, H. B. 242, to-wit:

AMENDMENT TO H. B. 242

Amend H. B. 242 as follows:

In the Synopsis, page 1, line 12, strike the period and add the following language:

, so as to prohibit insurance being issued in connection with any loan made under this Act and establishing penalties for violations.

In the Title, page 1, line 21, strike the language "further provide for" and insert in lieu thereof:

to prohibit the issuing of

In the Title, page 1, line 22, strike the period and insert in lieu thereof:

and to establish penalties for violations thereof.

In Section 2, from line 16 on page 14 through line 19 on page 15, strike all the language in subsections (a) through (d) and insert in lieu thereof the following language:

Any insurance is prohibited from being issued in connection with any loan made under the provisions of this Act. Any violation of this provision shall result in triple the amount of the loan being paid to the state by the lender, plus any court costs incurred in carrying out this provision, plus forfeiture of the entire loan obligation due from the borrower prior to year 2097.

MOTION TO ADJOURN LOST

At 5:07 P.M., Mr. Barron moved that the Senate adjourn until Tuesday, June 26, 1979, at 2 o'clock P.M., which motion was lost.

Yeas 10; Nays 18.

Yeas:

Messrs.:	deGraffenried	Hall	Little	
Bailey	Denton	Harrison	Pearson	
Barron	Figures	Holmes		—10

Nays:

Messrs.:	Harrison	Martin	Teague	
Callahan	Higginbotham	Mitchem	Vacca	
Cook	Keener	Proctor	Weeks	
Goodwin	Kirkland	Smith	White	
Gulledge	Lemaster	Taylor		—18

FURTHER CONSIDERATION OF H. B. 242

The Senate proceeded to further consideration of the Bill, H. B. 242. The question was on Amendment No. 3 offered by Mr. Pearson.

MOTION TO ADJOURN LOST

At 5:35 P.M., Mr. Denton moved that the Senate adjourn until Tuesday, June 26, 1979, at 1 o'clock P.M.

Mr. White offered a substitute motion that the Senate adjourn until Tuesday, June 26, 1979, at 7 o'clock A.M., which motion was lost.

Yeas 8; Nays 18

Yeas:

Messrs.:	Denton	Parsons	Smith	
Barron	Hall	Proctor		
Britnell	Little			—8

Nays:

Messrs.:	Harrison	Lemaster	Teague	
Callahan	Higginbotham	Martin	Vacca	
Cook	Holmes	McDonald	Weeks	
Goodwin	Keener	Mitchem	White	
Gulledge	Kirkland	Taylor		—18

The question recurred on the motion of Mr. Denton, and said motion was then lost.

Yeas 11; Nays 16.

Yeas:

Messrs.:	Britnell	Hall	Little	
Bailey	Denton	Harrison	Parsons	
Barron	Figures	Holmes	Pearson	

Nays:

Messrs.:	Higginbotham	Martin	Teague
Callahan	Keener	McDonald	Vacca
Cook	Kirkland	Mitchem	Weeks
Goodwin	Lemaster	Taylor	White
Gulledge			

—16

FURTHER CONSIDERATION OF H. B. 242

The Senate proceeded to further consideration of the Bill, H. B. 242. The question was on Amendment No. 3 offered by Mr. Pearson.

QUORUM CALL REQUESTED

At 5:50 P.M., Mr. Pearson requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Gulledge	Martin	Teague
Britnell	Higginbotham	McDonald	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Smith	White
Goodwin	Lemaster	Taylor	

—18

FURTHER CONSIDERATION OF H. B. 242

The Senate proceeded to further consideration of the Bill, H. B. 242. The question was on Amendment No. 3 offered by Mr. Pearson.

On motion of Mr. White, said amendment was laid on the table.

Mr. Little offered the following amendment to the Bill, H. B. 242, to-wit:

AMENDMENT TO H. B. 242

Amend House Bill No. 242, as amended page 5 Line 8, by striking out the figure "\$50.00"

and in lieu thereof insert the figure "\$175.00"

and furthermore on page 5, line 9 strike the figure "\$10.00"

and insert in lieu thereof the figure "\$25.00"

and furthermore on page 5, line 13, strike the figure "\$400.00"

and insert in lieu thereof the figure \$1200.00

RECESS

At 7:55 P.M., on motion of Mr. White, the Senate took a recess until 9 o'clock this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MOTION IN WRITING

Mr. Lemaster offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 230, on page 58 of the 20th Day Calendar, be referred to the standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 230, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 242

The Senate proceeded to further consideration of the Bill, H. B. 242. The question was on the amendment offered by Mr. Little.

On motion of Mr. Little, said amendment was laid on the table.

Mr. Pearson offered the following amendment to the Bill, H. B. 242, to-wit:

SENATE AMENDMENT TO H. B. 242

Amend House Bill 242, on page 15, line 20, by striking Section 3 in its entirety, and insert the following language in lieu thereof:

"(e) Notwithstanding any other language to the contrary in this bill, the licensee is prohibited from issuing any insurance whatsoever in connection with a loan of \$399.00 or less. Further, on any loan in excess of \$399.00, a licensee may issue insurance on that portion of said loan which is in excess of \$399.00 said insurance shall be issued in accordance with the rate and in the same manner as provided by the Code of Alabama, Title 5-19.

(f) Insurance sold by a licensee or its agents shall be regulated by the Commissioner of Insurance. All such insurance shall be written by a company authorized to conduct business in the State of Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Hall	McDonald	Taylor
Barron	Holmes	Mitchem	Teague
Callahan	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	—22

Nays: Messrs. Cook, White. —2

Mr. Little offered the following amendment to the Bill, H. B. 242, as amended, to-wit:

SENATE AMENDMENT TO H. B. 242, AS AMENDED

Amend House Bill 242, on page 5, line 5, beginning with the word "under", by striking line 5 through line 23 and insert in lieu thereof the following:

"The actual cost of each examination, the amount of which shall be reasonably prescribed under rules and regulations promulgated by the Superintendent of Banks; provided, however, the cost for each day of examination by each examiner shall not exceed eight (8) times the average hourly

rate for auditing purposes as charged by three (3) recognized certified public accountancy firms in the City of Montgomery, Alabama. In addition thereto, the licensee shall pay as per diem the amount authorized by law for state employees traveling inside the state in the service of the state. All such fees shall be paid into the special fund set up by the State Treasury pursuant to Title 5-1-5, Code of Alabama 1975, and used in the supervision and examination of licensees."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Higginbotham	McDonald	Teague	
Britnell	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Denton	Kirkland	Pearson	White	
Figures	Lemaster	Proctor		—26

Nay: Mr. Callahan.

—1

Mr. Pearson offered the following amendment to the Bill, H. B. 242, as amended, to-wit:

SENATE AMENDMENT TO HOUSE BILL 242, AS AMENDED

Amend House Bill 242, on the following pages and lines wherever the figure "\$800.00" appears, insert in lieu thereof the figure "\$749.00":

Page 1, line 11

Page 2, line 27

Page 3, line 9

Page 3, line 19

Page 3, line 23

Page 6, line 6

Page 7, line 17

Page 7, line 33

Page 7, line 38

Page 12, line 23

Page 12, line 31

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Callahan	Figures	Higginbotham
Bailey	deGraffenried	Goodwin	Holmes
Barron	Denton	Hall	Keener

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Kirkland	McDonald	Proctor	Vacca
Lemaster	Mitchem	Smith	Weeks
Little	Parsons	Taylor	White
Martin	Pearson	Teague	—26

Nays: —0

Mr. Parsons offered the following amendment to the Bill, H. B. 242, as amended, to-wit:

SENATE AMENDMENT TO HOUSE BILL 242, AS AMENDED

Amend House Bill 242, on page 15, line 20, by striking Section 3 in its entirety, and insert the following language in lieu thereof:

"(e) Notwithstanding any other language to the contrary in this bill, the licensee is prohibited from issuing any insurance whatsoever in connection with a loan of \$399.00 or less. Further, on any loan in excess of \$399.00, a licensee may issue insurance on that portion of said loan which is in excess of \$399.00 said insurance shall be issued in accordance with the rate and in the same manner as provided by the Code of Alabama, Title 5-19.

(f) Insurance sold by a licensee or its agents shall be regulated by the Commissioner of Insurance. All such insurance shall be written by a company authorized to conduct business in the State of Alabama.

(g) Insurance sold under this act must be purchased thru a participating policy insurance and all dividend paid on such policy must be applied to reduce the balance.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. White, said amendment was laid on the table.

Yeas 13; Nays 11.

Abstaining 2.

Yeas:

Messrs.:	Higginbotham	Mitchem	Vacca
Callahan	Keener	Taylor	Weeks
Cook	Martin	Teague	White
Goodwin	McDonald		—13

Nays:

Messrs.:	deGraffenried	Holmes	Parsons
Bailey	Figures	Kirkland	Proctor
Barron	Hall	Lemaster	Smith
			—11

Abstaining: Messrs. Denton, Little. —2

And said Bill, H. B. 242, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 10.

Yeas:

Messrs.:	Goodwin	McDonald	Teague	
Bailey	Gulledge	Mitchem	Vacca	
Britnell	Higginbotham	Smith	Weeks	
Callahan	Lemaster	Taylor	White	
Cook	Martin			—18

Nays:

Messrs.:	Denton	Kirkland	Pearson	
Barron	Hall	Little	Proctor	
deGraffenried	Holmes	Parsons		—10

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 74

S. B. 351

S. B. 375

S. B. 376

S. B. 377

Delivered to the Governor, May 31, 1979, at 10:00 A.M.

S. B. 225

S. J. R. 46

S. J. R. 82

S. B. 350

Delivered to the Governor, June 7, 1979, at 11:00 A.M.

S. B. 339

S. J. R. 80

S. J. R. 89

Delivered to the Governor, June 12, 1979, at 2:45 P.M.

S. B. 16

S. B. 43

S. B. 434

Delivered to the Governor, June 14, 1979, at 2:30 P.M.

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S. B. 29

S. B. 67

S. B. 252

Delivered to the Governor, June 14, 1979, at 3:10 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 10 o'clock P.M., on motion of Mr. McDonald, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, June 26, 1979, at 12 o'clock Noon.

TWENTY-FIRST LEGISLATIVE DAY

TUESDAY, JUNE 26, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend James K. Ward, Minister, First Christian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further

for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hall (with notice and proof):

S. 547. To create and establish in Jefferson County a county-wide civil service system, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of the county or municipalities located therein including personnel employed or appointed by the county board of health and the board of registrars in the county, to create a citizens supervisory commission and to create a personnel board and other agencies for the supervision and administration of said system; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over the county and municipalities therein and county boards of health and registrars; to provide for the payment of the expenses of each such agency and for a division of such expense between the county and the municipalities therein including the county board of health; to provide penalties for the violation this act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 547, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca (with notice and proof):

S. 548. To amend Act No. 210 of the Regular Session of the Legislature of Alabama of 1975 (Ala. Acts, 1975, pp. 482 and 483) authorizing the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county four administrative assistants to the said governing body to serve at the pleasure of the governing body.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 548, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. deGraffenried:

S. 549. To exempt the Tuscaloosa Genealogical and Historical Society from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Messrs. deGraffenried and Robertson:

S. 550. To amend Section 32-9-20, Code of Alabama 1975, which provides for the schedule of size and weight restrictions of motor vehicles on state highways, so as to increase the maximum length restriction from 55 feet to 60 feet.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Weeks:

S. 551. To amend Section 12-16-100, Code of Alabama 1975, which provides for the empaneling of juries in criminal cases, so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Mr. Weeks:

S. 552. Providing that any municipality with a population of 12,000 and above (classes 1, 2, 3, 4, 5 and 6 as established by the act that H. B. 68, 1979 Regular Session will become), may legalize the sale or consumption of alcoholic beverages within corporate limits without regard as to whether the sale or consumption of alcoholic beverages is prohibited on a county-wide basis.

Committee on Finance and Taxation.

By Mr. Taylor (with notice and proof):

S. 553. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 553, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE
Secretary.

By Messrs. Proctor and Parsons:

S. 554. To amend section 12-17-4, Code of Alabama 1975, relating to the procedure for court personnel joining the state personnel system to transfer to the state employees' retirement system, so as to provide further for the procedure by which such personnel may purchase prior service credit in the state employees' retirement system.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 555. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Committee on Finance and Taxation.

By Mr. Glass:

S. 556. To repeal Act No. 534, 1976 Regular Session, so as to abolish the Alabama Coastal Area Board.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Smith:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

Committee on Judiciary.

By Messrs. Smith and McDonald:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions

respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Governmental Affairs.

By Mr. McDonald:

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of health to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of health; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and, additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Committee on Health and Welfare.

By Mr. Mitchem (with notice and proof):

S. 560. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health

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nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 560, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Mr. Clemon (with notice and proof):

S. 561. To repeal Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the fluoridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 561, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Messrs. Pearson and Parsons:

S. 562. To provide salary increases for certain state employees and to appropriate funds therefor; to further provide for the conditions prior to annual merit raises and prior to the employment of certain new personnel.

Committee on Finance and Taxation.

By Mr. Clemon (with notice and proof):

S. 563. To repeal Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and to repeal said Act No. 1030, 1969 Regular Session, both of which relate to the fluoridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 563, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Messrs. McDonald and Smith (with notice and proof):

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 564, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Glass:

S. 565. To make an appropriation from the general fund in the state treasury to the medical services administration.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Venable and McKee:

H. J. R. 237. EXPRESSING SYMPATHY TO THE FAMILY OF BILL STEWART.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 237, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 233. WHEREAS, Professor Robert G. Pitts is retiring as Head of the Department of Aerospace Engineering at Auburn University after 44 years, having served under every Dean of the School of Engineering; and

WHEREAS, in early 1939 he was instrumental in obtaining gifts of stock and the conveyance of land from Auburn-Opelika Airport, Inc., to the Alabama Polytechnic Institute and arranging for the purchase of additional lands from surrounding property holders; and

WHEREAS, he supplied the motivating force which brought the development of suitable runways and the building of the first hangar in order that the Auburn-Opelika Airport might qualify for a Federally-sponsored Civilian Pilot Training Program (CPTP); and

WHEREAS, during the period between 1939 and 1944 over 400 civilian pilots and nearly 1,000 military pilots were trained in the CAA programs under the direction of Professor Pitts; and

WHEREAS, he has contributed invaluable service to his country, to the people of the State of Alabama and to Auburn University through his years of tireless effort in maintaining and continually upgrading the Auburn-Opelika Airport and the Auburn School of Aviation so that the airport is now a modern installation with both scheduled and charter service and instruction facilities; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended the naming of the Auburn-Opelika Airport for Professor Pitts, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Auburn-Opelika Airport is named the Auburn-Opelika Robert G. Pitts Airport.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Professor Pitts so that he will know of the Legislature's appreciation of his service to the people of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 233, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 9. Relating to crimes and offenses; prohibiting the wearing of a law enforcement type uniform by persons other than full time law enforcement officers; and prescribing penalties therefor.

By Mr. Kirkland:

S. 121. To amend Section 14-10-1, Code of Alabama 1975, so as to require the Board of Corrections to discharge state convicts only in the county in which they were sentenced.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harper:

H. 357. To provide a new schedule of commercial privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating the provisions of this Act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hammett (with notice and proof):

H. 786. To repeal Act No. 437, H. 886, approved November 13, 1959, Regular Session 1959 (Acts 1959, p. 1125), entitled "An Act To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder."

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor (With Amendment):

S. 162. To amend Section 16-9-2, Code of Alabama, 1975, relating to the general qualifications of the county superintendent of education.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 543. To provide for the examination of persons to be employed in the public schools; for this purpose to amend Section 16-23-1 of the Code of Alabama 1975 to provide that certain persons to be employed in the public schools shall take the National Teachers' examination or a comparable standardized test determined by the state board of education and score at least a minimum score to be set by the state board of education before certification; to provide for the scope of testing; to provide for the use of certain previous test scores; and to give the state board of education the authority to provide rules and regulations necessary to carry out the provisions of this act.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin and White (With Substitute):

S. 109. To establish a statute of limitations for any action brought against a manufacturer or seller of any manufactured product for the recovery of damages for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or properly instruct with respect to such product; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this Act, and to provide the manner in which this bill shall become law.

By Messrs. Goodwin and White (With Substitute):

S. 210. To define certain terms as used in this Act; to provide certain defenses to the liability of manufacturers and sellers in actions arising out of personal injury, death, or property damage allegedly due to defects in manufactured products; to establish a defense of subsequent alteration or modification of manufactured products; to establish a defense of manufacture of a product in accordance with the general state of the art; to establish a defense of manufacture of a product in accordance with applicable statutory or administrative regulations; to establish a defense of failure of any person to exercise reasonable prudence under the circumstance in the use of a manufactured product; to establish a defense of failure of an injured party to take reasonable safeguards, precautions, or actions in the use of a manufactured product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide for the manner in which this Act becomes law.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Mitchem:

S. 401. To amend Section 8-17-91, Code of Alabama 1975, relating to the disposition of permit fees, inspection fees and penalties paid to the commissioner of agriculture and industries pursuant to Sections 8-17-85 and 8-17-87, Code of Alabama 1975, so as to provide that ten percent (10%) of the amount collected thereunder each month, or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

By Rep. Holley:

H. 42. To amend Section 40-28-1, Code of Alabama, 1975, so that municipalities located in counties which prohibit the sale of alcoholic beverages and which are not served by the Tennessee Valley Authority shall share with such counties in the funds to be distributed by the state of Alabama from in-lieu-of-taxes payments made to it by the Tennessee Valley Authority and to establish procedures and methods for calculating the shares of such counties in such funds and calculating the methods of division of such funds.

By Messrs. Kirkland and Mitchem:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

By Messrs. Cook and White:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

By Messrs. Figures and Vacca:

S. 139. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to

provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

By Mr. Cook (With Substitute):

S. 171. To amend Section 5-19-1(3), Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

POINT OF PERSONAL PRIVILEGE

Mr. Miller stated that had he been present when the vote was taken on passage of the Bill, H. B. 242, as amended, on the Twentieth Legislative Day, he would have voted "Nay".

Mr. Robertson stated that had he been present when the vote was taken on passage of the Bill, H. B. 242, as amended, on the Twentieth Legislative Day, he would have voted "Nay".

MOTION IN WRITING

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 146, on page 86 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 146, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Harrison offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 605, on page 74 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 605, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Britnell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 148, on page 31 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 148, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING

The Bill:

S. 484. Relating to Shelby County; providing for the compensation of the tax assessor and tax collector.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Little		

—25

Nays:

—0

The Bill:

S. 527. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	Martin	Smith
Britnell	Goodwin	Miller	Teague
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Pearson	White
Cook	Keener		

—25

Nays:

—0

The Bill:

H. 64. Relating to Conecuh County, to provide a county salary supplement for the chairman and each member of the county commission, retroactively effective to January 15, 1979.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Glass
Bailey	Callahan	Denton	Hall
Barron	Clemon	Figures	Holmes

Kirkland	Mitchem	Smith	Vacca	
Little	Parsons	Taylor	Weeks	
Martin	Pearson	Teague	White	
Miller	Proctor			—25
Nays:				—0

The Bill:

H. 658. Relating to Macon County; providing further for the advertisement of notice of intention to apply for passage of local laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Proctor	
Barron	Glass	Little	Smith	
Britnell	Goodwin	Martin	Taylor	
Callahan	Gulledge	Miller	Teague	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes			—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 81. To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 597. Relating to counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the 1970 or any

subsequent federal decennial census; to regulate and control the operation and licensing of massage parlors and provides penalties for violations of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Taylor	
Britnell	Goodwin	Miller	Vacca	
Callahan	Gulledge	Mitchem	Weeks	
Clemon	Hall	Pearson	White	
Cook	Holmes			—25

Nays: —0

The Bill:

H. 571. Relating to Conecuh County; to amend Section 1 of Act No. 241, H. 386, 1973 Regular Session (Acts of 1973, p. 272), which act imposes a tax on malt or brewed alcoholic beverages, so as to further provide for such tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Holmes	Parsons	Teague	
Britnell	Kirkland	Pearson	Vacca	
Clemon	Little	Proctor	Weeks	
Cook	Martin	St. John	White	
Denton	McDonald			—25

Nays: —0

The Bill:

H. 169. Relating to Conecuh County; to provide for an additional expense allowance for the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Little	St. John	
Bailey	Denton	Miller	Smith	
Barron	Figures	Mitchem	Taylor	
Britnell	Hall	Parsons	Vacca	
Callahan	Higginbotham	Pearson	Weeks	
Clemon	Holmes	Proctor	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 682. Relating to Chilton County; to provide further for the salaries of certain county officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 696. Relating to Chilton County; permitting the sheriff to hire and maintain additional deputies under the Comprehensive Employment and Training Programs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Goodwin,	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Callahan	Hall	McDonald	Vacca	
Clemon	Higginbotham	Mitchem	Weeks	
Cook	Holmes	Parsons	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 701. To repeal Act No. 945, H. 1401, 1975 Regular Session, (Acts 1975, p. 1970), entitled "An Act To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	Miller	Smith	
Britnell	Hall	Mitchem	Teague	
Callahan	Harrison	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Kirkland			—25

Nays: —0

The Bill:

H. 765. To alter, rearrange and extend the boundaries and corporate limits of the City of Anniston, Calhoun County, Alabama, so as to annex certain territory of the City.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Robertson
Bailey	Glass	McDonald	St. John
Barron	Hall	Miller	Smith
Britnell	Holmes	Mitchem	Teague
Clemon	Kirkland	Parsons	Weeks
Cook	Lemaster	Proctor	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 288. Relating to counties having a population of 500,000 or more according to the last or any subsequent federal census in 1961, 1971 and in any tenth year thereafter; repealing Act No. 530, H. 1096 of the 1959 Regular Session (Acts 1959, Vol. 2, p. 1305), as last amended, relating to voter reidentification and requiring the Board of Registrars in any such county to periodically purge lists of the qualified electors, entitled, "An Act To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays:

—0

The Bill:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 523, to-wit:

COMMITTEE AMENDMENT TO S. B. 523

Amend Section 1 on page 2 by removing the period after the word "adopts" and substituting a comma and add the following words:

"but in no event more than one year prior to the date of applicant's actual retirement."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

Nays: —0

And said Bill, S. B. 523, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

Nays: —0

The Bill:

S. 496. To amend Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) providing for the incorporation of a municipal parking authority as a public corporation in any city of the state having a population of 300,000 or more, according to the last or any subsequent federal census, so as to grant additional powers to such authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Glass
Bailey	Callahan	Denton	Hall
Barron	Clemon	Figures	Holmes

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Keener	Mitchem	Smith	Vacca
Little	Parsons	Taylor	Weeks
Martin	Pearson	Teague	White
Miller	Proctor		

—25

Nays: —0

The Bill:

S. 524. To further amend subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays: —0

RESOLUTION

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 116. NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

WHEREAS, Guy M. Tate, Jr., of Birmingham retired July 1, 1978, as Deputy Health Officer for the Jefferson County Health Department, the first non-physician ever to achieve that rank, and his long years of service in Public Health were interrupted only by World War II during which time he was with the Corps of Engineers and was awarded the Bronze Star for valor; entering as a Second Lieutenant, he now is a retired Colonel, A. U. S.; and

WHEREAS, Selma native, Guy Tate, is a graduate of Selma High School and of Auburn University where he was awarded a B. S. Degree in Civil Engineering; he earned his Masters Degree in Sanitary Engineering at Harvard University and joined the Alabama Department of Public Health in 1929; and

WHEREAS, he served through the years with the Tennessee Valley Authority as Assistant Sanitary Engineer in charge of its General Environmental Health Program in seven states, as Director of the Jefferson County Health Department's Bureau of Sanitation and as Deputy Health Officer from 1969 until retirement, acting as Health Officer in 1976-1977; and

WHEREAS, in addition to his contributions in traditional public health environmental programs, Mr. Tate was the first to establish a housing code program within an Alabama health department, working for nearly fifteen years toward the eventual enactment and implementation of the Alabama Clean Air Act; he is professionally affiliated with numerous associations on the local, state, regional and national levels and has further long been active in many of the civic and community affairs in the Birmingham area; and

WHEREAS, his awards, too numerous to list, include the 1976 William Henry Sanders Award of the Medical Association of the State of Alabama; also the Alabama Public Health Association established in his honor the Guy M. Tate, Jr. Award to recognize individuals for outstanding service in public health; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in recognition of meritorious service in the field of Public Health and in deep appreciation for contributions of singularity, we hereby name and designate the new Jefferson County Health Department Building, the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

BE IT FURTHER RESOLVED, That authorities are directed to erect and maintain appropriate signs and markers so designating said building as the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Tate as a memento of this honorary designation and as evidence of our appreciation and sincere praise.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 525. To further amend subsection (b) of Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays:

—0

The Bill:

H. 287. Relating to Jefferson County; providing for and requiring the reidentification of each qualified elector in the county in 1971 and in 1981 and in each fourth year thereafter; requiring the Board of Registrars to take

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the necessary action to purge the lists of the qualified electors in the county in 1981 and in each fourth year thereafter; authorizing the employment of investigators to assist in purging such lists; and providing that any person making a wilfully false statement in connection with reidentification shall be guilty of perjury.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays:

—0

CONSENT CALENDAR

The Bill:

S. 401. To amend Section 8-17-91, Code of Alabama 1975, relating to the disposition of permit fees, inspection fees and penalties paid to the commissioner of agriculture and industries pursuant to Sections 8-17-85 and 8-17-87, Code of Alabama 1975, so as to provide that ten percent (10%) of the amount collected thereunder each month, or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

was taken up.

Under the provisions of Senate Rule 14 (4), Mr. Mitchem was granted unanimous consent to take up the Bill:

H. 646. To amend Title 8, Section 8-17-91 of the Code of Alabama 1975 relating to the disposition of permit fees, inspection fees and penalties paid to the Commissioner of Agriculture and Industries pursuant to Sections 8-17-85 and 8-17-87 of the Code of Alabama of 1975, so as to provide that ten per cent (10%) of the amount collected thereunder each month or not less than \$55,000.00 of such monthly collections shall accrue to the credit of; and be deposited in, the agricultural fund of the state treasury.

in place of the Consent Calendar Bill, S. B. 401.

And said Bill, H. B. 646, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Parsons
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Cook	Keener	Miller	Vacca
deGraffenried	Kirkland	Mitchem	White

—23

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Mitchem, consideration of the Bill, S. B. 401, was indefinitely postponed.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

H. 42. To amend Section 40-28-1, Code of Alabama, 1975, so that municipalities located in counties which prohibit the sale of alcoholic beverages and which are not served by the Tennessee Valley Authority shall share with such counties in the funds to be distributed by the state of Alabama from in-lieu-of-taxes payments made to it by the Tennessee Valley Authority and to establish procedures and methods for calculating the shares of such counties in such funds and calculating the methods of division of such funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	Miller	Teague	
Clemon	Higginbotham	Mitchem	Vacca	
Cook	Holmes	Parsons	White	
Denton	Kirkland			—25

Nays:

—0

The Bill:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John	
Barron	Hall	Little	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Vacca	
Denton	Kirkland	Parsons	Weeks	
Figures				—20

Nays:

—0

The Bill:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which

regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

was taken up.

Mr. Cook requested and received unanimous consent to offer the following amendment to the Bill, S. B. 293, to-wit:

AMENDMENT TO S. B. 293

Amend S. 293, page 3, line 28, by striking the word "or"

On line 30, page 3, following the period, add the following:

(3) Physical damage coverage on household goods.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Bailey	Harrison	Martin	Taylor
Barron	Higginbotham	Miller	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Proctor	Weeks
Denton	Kirkland	St. John	White
Figures	Lemaster		

—25

Nays:

—0

And said Bill, S. B. 293, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John
Bailey	Goodwin	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Miller	Teague
Callahan	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Proctor	White
Denton			

—28

Nays:

—0

The Bill:

S. 139. To define various terms necessary to the application of trademark law: to provide for registrability of a trademark; to provide for application of registration of a trademark; to provide for issuance of a certificate of registration; to provide for the duration and renewal of a trademark; to provide for the keeping of public records on trademarks; to provide for the cancellation of a trademark; to provide for the classification of goods and services which may be subject to this act; to provide liability for fraudulent registration; to provide liability for infringement of a trademark registered under this act; to provide relief for injury to business reputation or for dilution of the quality of a trademark registered under this act; to provide remedies for the owner of a trademark registered under this act; and to preserve any common law rights of owners of trademarks.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	Smith	
Barron	Goodwin	Mitchem	Taylor	
Britnell	Hall	Parsons	Teague	
Callahan	Holmes	Proctor	Vacca	
Cook	Kirkland	Robertson	Weeks	
deGraffenried	Lemaster	St. John	White	
Denton	Little			—25

Nays:

—0

CONSENT CALENDAR BILL POSTPONED

On motion of Mr. Cook, consideration of the Bill, S. B. 171, was postponed until the Twenty-Third Legislative Day.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 117. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 21st Legislative Day:

Bill No.	Page No.	Description
S. B. 258	35	Sunset Act Amended
S. B. 227	23	Utility Systems boards, fees
S. B. 202	53	5th Jud. Circ., 3 judges
H. B. 39	49	Alcoholic Bev. Control Board
H. B. 118	49	Elimination of feed inst. fee
S. B. 369	55	Banks, merger w/nat'l banking assoc.
S. B. 389	31	UAB, approp., cap. outlay
S. B. 87	50	Guaranteed min. starting wage, all law enf. off.
S. B. 219	21	Eradication of swine disease, approp.
S. B. 387	67	Banking, Dept. lic.
S. B. 482	71	Grand Jury proceedings
S. B. 334	26	Unitization orders, def.
S. B. 77	36	Leg. emp. sup. & sec., no. increased
S. B. 335	27	St. Oil & Gas Bd. Bldg. new wing named
S. B. 338	27	Oil redefined
S. B. 193	59	Chief Exam. of Pub. Accts. & Asst. salary
S. B. 187	23	Auth. for out-of-state travel

REGULAR SESSION
21st Day

815

S. B. 368	38	School bldg. const. retainage
S. B. 354	45	Fire fighters' pers. standards & ed. comm.
S. B. 20	2	Regulation of sale of cert. school cour.
S. B. 136	26	Temp. m.v. lic. tags.
S. B. 50	30	AL Admn. proc. act
S. B. 358	53	St. Bd. of Social Work Examiners Approp.
S. B. 468	57	Civil Actions
S. B. 283	39	Bd. of Exam. in Counseling
S. B. 32	11	Invest. of ins. co. in cert. mortgage loans
S. B. 150	33	Cert. probate judges, min. sal.
S. B. 349	64	Political donations
H. B. 65	48	Seeds: Comp. Inv. Com. est.
S. B. 245	10	St. Forestry Comm. Leo, certain powers
S. B. 395	58	Adoptions
S. B. 212	23	Elections Voting Hours

And said Resolution, S. R. 117, was adopted by the Senate

RECESS

At 1:30 P.M., on motion of Mr. Little, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MOTION IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 114, on page 42 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 114, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 241. NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

WHEREAS, Guy M. Tate, Jr., of Birmingham retired July 1, 1978, as Deputy Health Officer for the Jefferson County Health Department, the first non-physician ever to achieve that rank, and his long years of service in Public Health were interrupted only by World War II during which time he was with the Corps of Engineers and was awarded the Bronze Star for valor; entering as a Second Lieutenant, he now is a retired Colonel, A. U. S.; and

WHEREAS, Selma native, Guy Tate, is a graduate of Selma High School and of Auburn University where he was awarded a B. S. Degree in Civil Engineering; he earned his Masters Degree in Sanitary Engineering at Harvard University and joined the Alabama Department of Public Health in 1929; and

WHEREAS, he served through the years with the Tennessee Valley Authority as Assistant Sanitary Engineer in charge of its General Environmental Health Program in seven states, as Director of the Jefferson County Health Department's Bureau of Sanitation and as Deputy Health Officer from 1969 until retirement, acting as Health Officer in 1976-1977; and

WHEREAS, in addition to his contributions in traditional public health environmental programs, Mr. Tate was the first to establish a housing code program within an Alabama health department, working for nearly fifteen years toward the eventual enactment and implementation of the Alabama Clean Air Act; he is professionally affiliated with numerous associations on the local, state, regional and national levels and has further long been active in many of the civic and community affairs in the Birmingham area; and

WHEREAS, his awards, too numerous to list, include the 1976 William Henry Sanders Award of the Medical Association of the State of Alabama; also the Alabama Public Health Association established in his honor the Guy M. Tate, Jr. Award to recognize individuals for outstanding service in public health; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in recognition of meritorious service in the field of Public Health and in deep appreciation for contributions of singularity, we hereby name and designate the new Jefferson County Health Department Building, the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

BE IT FURTHER RESOLVED, That authorities are directed to erect and maintain appropriate signs and markers so designating said building as the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Tate as a memento of this honorary designation and as evidence of our appreciation and sincere praise.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 241, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps.: Manley, Clark, Venable, Biddle, Warren, Pegues, Shoemaker, Johnson (R. G.), Cosby, Edwards, Campbell and Patton:

H. J. R. 229. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That the level of government rendering the largest number of services and providing the greatest variety of internal improvements in our state is municipal government.

2. That the daily lives of our citizens are more closely affected by the governments of our home towns and home cities than by any other branch of our governmental system.

3. That approximately sixty (60) percent of the residents of this state now reside in urban communities and the growth toward urbanization is continuing at an accelerating pace.

4. That there is a considerable amount of overlapping between the functions and services rendered by the state, the counties and the municipalities which require an in-depth study of municipal government with the view of providing improved services at less cost to the taxpayers and to eliminate, where possible, any expenditure of public funds in (the provision of) duplication of services by more than one branch of our government.

5. That it is important to the citizens of this state, both urban and rural, that there be a sound administration of municipal affairs and that this Legislature study the needs of the municipalities in order to provide them with the legal tools necessary to furnish reasonable and adequate municipal administration to our citizens.

6. That it has been almost two decades since the Legislature has had an Interim Committee to study municipal government in Alabama and that the time is now appropriate for this Legislature to create an Interim Committee on Municipal Government; and Now, Therefore,

BE IT FURTHER RESOLVED, that in order to suggest to State Legislatures sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby created an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of nine (9) members of the Legislature—five (5) from the House, to be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of municipal government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this state to better meet and supply the needs and demands of their citizens.

In reviewing the status and laws of municipal governments in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of municipal governments in providing services and facilities to the residents of the incorporated towns and cities of the state, and whether or not additional legislation is needed or desirable to enable said towns and cities to provide reasonable and adequate standards of municipal services and facilities;

(2) The legal framework of municipal government in Alabama, the power and authority presently enjoyed by municipal governments heretofore granted by the Legislature, and the restrictions placed on municipal governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said municipal governments so as to give them more freedom in fulfilling their responsibilities to the urban citizens of the state;

(3) The financial support of municipal government in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of said municipal governments;

(4) The impact of industrialization and rapid urbanization on the ability of municipal governments to provide reasonable and adequate standards of services and facilities to urban citizens and what legislation is necessary or desirable to enable such municipal governments to provide a better standard of services and facilities in a period of rapid growth and expansion, including urban rehabilitation, industrial development, transportation, annexation, solid waste disposal, waste water treatment, provision of utility services, municipal personnel administration, personnel training and human resource development, law enforcement, fire protection, street maintenance and construction, traffic control, recreation and the coordination of state and federal urban assistance programs.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first month of the 1980 Regular Session of the Legislature of Alabama and a final report to be submitted during the 1980 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Committee is hereby empowered to employ one clerk, who shall be a competent stenographer, and who shall be paid in accordance with the present rate of pay for legislative clerks, and employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The chairman of the committee shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of Thirty-five Thousand Dollars (\$35,000.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the

Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with the Committee in its work on the subjects and problems listed in this resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 229, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Warren:

H. J. R. 194. NAMING THE AUDITORIUM AT PATRICK HENRY STATE JUNIOR COLLEGE IN HONOR OF DR. JAMES D. NETTLES.

WHEREAS, Dr. James D. Nettles, who has practiced medicine for twenty-four years in his native community of Arlington in Wilcox County, was educated in the public schools of Arlington, at the University of Alabama, Hahnemann Medical College in Philadelphia and the Medical College of Alabama; and

WHEREAS, he served as a Lieutenant in the Quartermaster Corps, United States Army, during World War II and as Commanding Officer of a petroleum products analytical laboratory; and

WHEREAS, Dr. Nettles is professionally associated with the American Academy of Family Practice and Alpha Kappa Kappa Medical Fraternity and is also a member of Sigma Nu Social Fraternity, the Civitan Club and the Methodist Church which he actively serves; and

WHEREAS, further, Dr. James Nettles served continuously from 1964 until 1977 on the State Board of Education from the First Congressional District, his fourteen years of service evidencing his interest and involvement in the educational affairs of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of a distinguished Alabamian, we hereby name and designate the auditorium at Patrick Henry State Junior College as the "Dr. James D. Nettles Auditorium."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said auditorium.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Dr. Nettles as a memento of this honorary designation and in token of appreciation and esteem.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 194, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Warren:

H. J. R. 164. COMMENDING CAPTAIN ROBERT M. THACKER OF EVERGREEN, RECENTLY RETIRED.

Also:

By Rep. Warren:

H. J. R. 165. HONORING FORMER CONSERVATION OFFICER, W. A. THAMES OF EVERGREEN.

Also:

By Reps. Drinkard, Adams (B), and Ford:

H. J. R. 176. EXPRESSING APPRECIATION TO ALL ALABAMA VETERANS OF VIET NAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolutions, H. J. R.'s 164 and 165, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 176, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Seibels:

H. J. R. 240. EXPRESSING APPRECIATION TO THE MARINE PARTICIPANTS IN THE LEGISLATURE'S FLAG DAY CEREMONIES.

Also:

By Rep. Waggoner:

H. J. R. 242. CONGRATULATING AND COMMENDING VONDAL GRAYLEE ON HIS ELECTION AND SERVICE AS PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolutions, H. J. R.'s 240 and 242, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 233. Naming the Auburn-Opelika Airport the Auburn-Opelika Robert G. Pitts Airport.

Also:

H. J. R. 237. EXPRESSING SYMPATHY TO THE FAMILY OF BILL STEWART.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 64. Relating to Conecuh County, to provide a county salary supplement for the chairman and each member of the county commission, retroactively effective to January 15, 1979.

Also:

H. 169. Relating to Conecuh County; to provide for an additional expense allowance for the county coroner.

Also:

H. 287. Relating to Jefferson County; providing for and requiring the reidentification of each qualified elector in the county in 1971 and in 1981 and in each fourth year thereafter; requiring the Board of Registrars to take the necessary action to purge the lists of the qualified electors in the county in 1981 and in each fourth year thereafter; authorizing the employment of investigators to assist in purging such lists; and providing that any person making a wilfully false statement in connection with reidentification shall be guilty of perjury.

Also:

H. 288. Relating to counties having a population of 500,000 or more according to the last or any subsequent federal census in 1961, 1971 and in any tenth year thereafter; repealing Act No. 530, H. 1096 of the 1959 Regular Session (Acts 1959, Vol. 2, p. 1305), as last amended, relating to voter reidentification and requiring the Board of Registrars in any such county to periodically purge lists of the qualified electors, entitled, "An Act To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury."

Also:

H. 571. Relating to Conecuh County; to amend Section 1 of Act No. 241, H. 386, 1973 Regular Session (Acts of 1973, p. 272), which act imposes a tax on malt or brewed alcoholic beverages, so as to further provide for such tax.

Also:

H. 597. Relating to counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the 1970 or any subsequent federal decennial census; to regulate and control the operation and licensing of massage parlors and provides penalties for violations of this act.

Also:

H. 658. Relating to Macon County; providing further for the advertisement of notice of intention to apply for passage of local laws.

Also:

H. 682. Relating to Chilton County; to provide further for the salaries of certain county officials.

Also:

H. 696. Relating to Chilton County; permitting the sheriff to hire and maintain additional deputies under the Comprehensive Employment and Training Programs.

Also:

H. 701. To repeal Act No. 945, H. 1401, 1975 Regular Session, (Acts 1975, p. 1970), entitled "An Act To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Also:

H. 765. To alter, rearrange and extend the boundaries and corporate limits of the City of Anniston, Calhoun County, Alabama, so as to annex certain territory of the City.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 118. NAMING THE NEW BRIDGE AT KOWALIGA THE "HANK WILLIAMS MEMORIAL BRIDGE."

WHEREAS, Hank Williams was born near the Mount Olive Community in Butler County, Alabama, and is one of our state's most talented and well known citizens; and

WHEREAS, he is a member of the Country Music Hall of Fame and his gravesite in Montgomery, Alabama, is visited by thousands of persons who come to pay their respects to one of the world's most prolific composers of country music and one whose genius is acknowledged and acclaimed in all corners of the world; and

WHEREAS, the Memorial and Country Music Celebration, held each year in June near his birthplace, is also attended by thousands of Hank Williams' fans who come to honor his great achievements in country music; and

WHEREAS, at Kowaliga, near Lake Martin, still stands yet another outstanding attraction, that "... Poor Old Wooden Indian," which served as the inspiration for one of Hank Williams' most popular compositions and one that is still played and sung by country music "Greats" almost as often today as when it was first written; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in memory of a beloved native son, we hereby name and designate the new bridge at Kowaliga, the "Hank Williams Memorial Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Hank Williams Jr., that he may be aware of this honorary designation in memory of his father who brought much fame and honor to the State of Alabama.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 242. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Gafford, Minus and Sasser.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, the title of which is set out in the foregoing Message from the House.

Yeas 22; Nays 5.

Yeas:

Messrs.:	Glass	Keener	Smith	
Barron	Goodwin	Kirkland	Taylor	
Britnell	Gulledge	Lemaster	Teague	
Callahan	Harrison	Mitchem	Weeks	
Cook	Higginbotham	Robertson	White	
Denton	Holmes	St. John		—22

Nays: Messrs.: Bailey, Hall, Little, Miller, Pearson. —5

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. White, Teague, and Pearson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

by a majority of the whole number elected to the House, said vote being Yeas 75, Nays 0..

And said Bill S. B. 16, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 77, Nays 0.

And said Bill, S. B. 16, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 70. ADMONISHING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION BY NOT ALLOWING THE PETER VASCHENKO AND VLADIMIR SLEPAH FAMILIES TO EMIGRATE FROM THE U.S.S.R.

Also:

S. J. R. 111. CONGRATULATING AND COMMENDING THE HOME BUILDERS ASSOCIATION OF THE MUSCLE SHOALS AREA FOR OUTSTANDING COMMUNITY CONTRIBUTION.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the bill:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

was taken up.

Mr. Smith offered the following substitute for the Bill, S. B. 258, to-wit:

SUBSTITUTE FOR S. B. 258

A BILL
TO BE ENTITLED
AN ACT

To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency thereof has been abolished, shall be non-enforceable.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 41-20-2 through 41-20-5 and 41-20-10 through 41-20-14 of the Code of Alabama, 1975, as amended are hereby amended to read as follows:

"§ 41-20-2. As used in this chapter, unless the context requires a different meaning, the following words shall be defined as follows:

"(1) AGENCY. All departments, divisions, bureaus, commissions, councils, and boards, commissions, divisions, bureaus or like governmental units or subunits of the State of Alabama regulatory in nature or otherwise which are regulatory in nature.

"(2) CONTINUANCE. Such term, or any derivative thereof, shall mean continuance as presently in existence or as modified or reestablished by recommended legislation.

"(3) PERFORMANCE AUDIT. The same as operational audit.

"(4) TERMINATION. The end, abolishment or annulment of any agency or the act of causing the existence to cease.

"§ 40-20-3. (a) The following agencies shall automatically terminate or continue as provided in sections 41-20-10, 41-20-11, and 41-20-14 on the dates specified, unless they have received a majority vote by each house of the legislature that they be continued, modified or reestablished:

"(1) October 1, 1977 1982 shall be the termination date for:

"a. Board of agriculture and industries created by section 2-3-1.

"b. Farmers' market authority created by section 2-5-1.

"c. Department of labor created by section 25-3-1.

"d. Department of industrial relations created by section 25-2-1. (And boards created by section 25-2-3.)

"e. Advisory council created by section 25-4-114.

"f. Department of examiners of public accounts created by section 41-5-1.

"g. Board of appeals created by section 25-2-12.

"h. Alabama securities commission created by section 8-6-50.

"i. Continuing interim committee on finance and taxation created by Act No. 949, S. J. R. 130, 1975 Regular Session (Acts 1975, p. 1984-1985), 1975.

"j. Alabama liquefied petroleum gas board created by section 9-17-101.

"k. Alabama board of cosmetology created by section 34-7-40.

"l. Board to examine entomologists, plant pathologists, horticulturists, floriculturists, and tree surgeons created by section 2-28-2.

"m. Boxing and wrestling commission—created by section 41-9-90.

"n. State board of veterinary medical examiners—created by section 34-29-20.

"o. State board of examiners for speech pathology and audiology—created by section 34-28A-40.

"p. State ethics commission—created by section 36-35-3.

"q. Air pollution control commission—created by section 22-28-5.

"r. Alabama commission on intergovernmental cooperation—created by section 41-9-390.

"a. State board of auctioneers—created by section 34-4-50.

"b. State board of barber examiners—created by section 34-5-13.

"c. Alabama board of cosmetology—created by section 34-7-40.

"d. Boxing and wrestling commission—created by section 41-9-90.

"e. Examining board for professional entomologists, horticulturists, floriculturists and tree surgeons—created by section 28-2-2.

"f. Alabama board of funeral services—created by section 34-13-20.

"g. State pilotage commission—created by section 33-4-1.

"h. State polygraph examiners board—created by section 34-25-4.

"i. State board of examiners for speech pathology and audiology—created by section 34-28A-40.

"j. State board of veterinary medical examiners—created by section 34-29-20.

"(2) October 1, 1978, 1983, shall be the termination date for:

"a. Alabama board of examiners in psychology—created by section 34-26-20.

- "b. State board of medical examiners—created by section 34-24-53.
- "c. Alabama board of funeral service—created by section 34-13-20.
- "d. Board of nursing and the advisory councils for nursing—created by sections 34-21-2 and 34-21-3.
- "e. Fire fighters' personnel standards and education commission—created by section 36-32-2.
- "f. Alabama peace officers' standards and training commission—created by section 36-21-41.
- "g. State polygraph examiners board—created by section 34-25-4.
- "a. h. Alabama real estate commission—created by section 34-27-7.
- "i. Board of certification of water and waste water systems operators—created by section 22-25-3.
- "j. Board of commissioners of the Alabama state bar—created by section 34-3-40.
- "b. k. Board of bar examiners—created by section 34-3-2.
- "l. State board of barber examiners—created by section 34-5-13.
- "m. Alabama board of hearing aid dealers—created by section 34-14-30.
- "n. Board of Dental examiners—created by section 34-9-40.
- "o. Board of physical therapy—created by section 34-24-192.
- "p. State board of examiners of nursing home administrators—created by section 34-20-4.
- "c. q. Board of registration for sanitarians—created by section 34-28-20.
- "d. r. Board of examiners of mine personnel—created by section 25-9-9.
- "s. Board of medical technicians examiners—created by section 34-18-40.
- "e. t. Board for registration of architects—created by section 34-2-20.
- "f. u. Board of examiners of landscape architects—created by section 34-17-2.
- "v. State board of chiropractic examiners—created by section 34-24-140.
- "w. Alabama board of funeral service—created by section 34-13-20.
- "x. State board of optometry—created by section 34-22-40.
- "y. State board of pharmacy—created by section 34-23-90.
- "g. z. Alabama state board of public accountancy—created by section 34-1-3.
- "h. aa. State board of registration for foresters—created by section 34-12-30.

"i. bb. State board for registration of professional engineers and land surveyors—created by section 34-11-30.

"j. ee. State licensing board for general contractors—created by section 34-8-20.

"dd. State licensing board for the healing arts—created by section 34-24-1.

"ee. State pilotage commission—created by section 33-4-1.

"ff. Judicial commission—created by Constitution, amendment No. 317.

"(3) October 1, 1979, 1984, shall be the termination date for:

"a. Department of public safety—created by section 32-2-1

"b. Alabama law enforcement planning agency—created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969, and Executive Order No. 6, dated March 4, 1971.

"e. State supervisory board of Alabama law enforcement planning agency—created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969, and Executive Order No. 6, dated March 4, 1971.

"d. Regional planning boards—created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969, and Executive Order No. 6, dated March 4, 1971.

"e. Civil defense agency—created by section 31-9-4.

"f. Civil defense advisory council—created by section 31-9-5.

"g. Criminal justice information center commission—created by section 41-9-591.

"h. Office of toxicologist—created by sections 36-18-1 through 36-18-4.

"i. State safety coordinating committee—created by section 32-3-1.

"j. Board of corrections of Alabama—created by section 14-1-1.

"k. State board of pardons and paroles—created by section 15-22-20.

"l. Department of conservation and natural resources—created by section 9-2-1.

"m. Alabama surface mining reclamation commission—created by section 9-16-33.

"n. Alabama state militia—created by section 31-2-2.

"o. Department of veterans' affairs—created by section 31-5-2.

"p. State board of veterans' affairs—created by section 31-5-3.

"q. Armory commission of Alabama—created by section 31-4-1.

"r. Alabama state docks department—created by section 33-1-2.

"a. State board of chiropractic examiners—created by section 34-24-140.

"b. Alabama firefighters' personnel standards and education commission—created by section 36-32-2.

"c. Board of hearing aid dealers—created by section 34-14-30.

"d. Board of optometry—created by section 34-22-40.

"e. Alabama peace officers' standards and training commission—created by section 36-21-41.

"f. Board of physical therapy—created by section 34-24-192.

"g. Board of plumbing examiners—created by section 40-12-145.

"h. Board of examiners in psychology—created by section 34-26-20.

"i. Board of social worker examiners—created by section 34-30-50.

"j. State board of heating, air conditioning, roofing and sheet metal contractors—created by section 34-31-2.

"(4) October 1, 1980, 1985, shall be the termination date for:

"a. State board of health—created by section 22-2-1.

"b. State health planning and development agency—created by section 22-4-3.

"e. Statewide health coordinating council—created by Act No. 1197, H. 1433 of the 1975 regular session.

"d. State committee of public health—created by section 22-2-4.

"e. Department of mental health—created by section 22-50-2.

"f. Alabama mental health board—created by section 22-50-4.

"g. State department of pensions and security—created by section 38-2-1.

"h. State board of pensions and security—created by section 38-2-2.

"a. i. Alabama water well standards board—created by section 22-24-3.

"j. Board for distribution and delivery of dead bodies—created by section 22-19-20.

"k. Governors committee on employment of the handicapped—created by section 21-5-1.

"l. Radiation control agency—created by section 22-14-4.

"m. Radiation advisory board of health—created by section 22-14-5.

"n. State forestry commission—created by section 9-3-1.

"o. Water improvement commission—created by section 22-22-3.

"p. State highway department—created by section 23-1-20.

"q. Highway finance corporations

"1. Alabama state highway corporation—created by Act No. 44 and Act No. 181 of the 1935 regular session, 1935.

"2. Alabama bridge commission—created by Title 23, section 97, Code of Alabama 1940.

"3. Alabama highway finance corporation—created by article 7 of chapter 1 of Title 23.

"4. Alabama highway authority—created by article 6 of chapter 1 of Title 23.

"5. Alabama turnpike authority—created by article 1 of chapter 2 of Title 23.

"6. Dauphin Island bridge authority—created by article 3 of chapter 2 of Title 23.

"r. State oil and gas board—created by section 9-17-3.

"s. State toll bridge authority—created by article 2 of chapter 2 of Title 23.

"t. Alabama department of aeronautics—created by section 4-2-30.

"u. Alabama dairy commission—created by section 2-13-42.

"xv. State banking department—created by section 5-2-1.

"w. Banking board—created by section 5-2-40.

"x. Savings and loan board—created by section 5-2-63.

"y. Credit union board—created by section 5-2-120.

"z. Alabama public service commission—created by section 37-1-1.

"aa. Alabama alcoholic beverage control board—created by section 28-3-40.

"bb. Department of insurance—created by section 27-2-1.

"b. Board of certification of water and waste water systems operators—created by section 22-25-3.

"c. State licensing board for the healing arts—created by section 34-24-1.

"d. State board of medical examiners—created by section 34-24-53.

"e. Board of medical technicians examiners—created by section 34-18-40.

"f. Board of dental examiners—created by section 34-9-40.

"g. Board of nursing—created by section 34-21-2.

"h. State board of examiners of nursing home administrators—created by Section 34-20-4.

"i. State board of pharmacy—created by section 34-23-90.

"j. State board of podiatry—created by section 34-24-250.

"(b) Any state agency regulating occupations or professions existing on August 24, 1976 the effective date of this act and not specifically listed in this section shall be terminated on October 1, 1978 1983, and the provisions of this

chapter shall apply to them as if they were enumerated in this chapter and acted on by the legislature and governor as provided in this chapter, provided, that no state agency shall be terminated unless it has first been reviewed by the select joint committee created by section 41-20-10.

"(c) Any law to the contrary notwithstanding, nothing in this act shall be construed to limit the joint committee's right to call any agency for review at a date earlier than specified in this section; nor shall the committee be limited to making recommendations for termination only or continuance only. The committee shall establish its own schedule for review; provided, however, each agency shall be reviewed at least once every four (4) years. Further, the committee shall determine which other regulatory agencies not enumerated in this section which it shall review, and upon such review said agency shall have a termination date of the first succeeding October 1 following the regular legislative session which succeeded said review by and recommendation of the committee.

"(e) Any entity which receives state funds of whatever nature existing on August 24, 1976 and not specifically listed in this section shall be subject to a performance audit by the joint committee at such times and in such manner as it deems appropriate. Any such agency shall be required to furnish any information or records requested by the committee.

"(d) No agency or bureau referred to in this section shall be terminated except by action of both houses of the legislature and compliance with article 5, section 125 of the Constitution of Alabama.

"§ 41-20-4.

"(a) A select eleven member joint committee, known as The Sunset Committee, shall be named no later than September 1, 1976. constituted as follows:

"(b) In addition to the chairman of the senate finance and taxation committee and the chairman of the house ways and means committee, two three members of the house and two three members of the senate shall be elected in the same manner as the elected members of the legislative council by the respective houses.: Four members shall be appointed, two two from the Alabama Senate and two from the Alabama house of representatives shall be appointed by the presiding officer of said elected bodies.; and the president pro tempore of the senate and the speaker pro tem of the house of representatives. The eleventh member shall be appointed by the governor. The chairman of the house ways and means committee shall serve as the chairman of the and means committee shall serve as the chairman of the select joint committee the first year and the second year the chairman of the senate finance and taxation committee shall serve as chairman of the select committee. Each year thereafter the chairman of the house ways and means committee and the chairman of the senate finance and taxation committee shall alternate as chairman of the select joint committee created by this section. The chairman shall be elected from among the members of the committee, alternating annually between a house member and a senate member.

"(c) Said select joint committee shall be charged with the duty of assisting in the implementation of the procedures of this chapter and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and the evaluation procedure as provided for in this chapter.

"(d) The committee shall submit its support to the offices of the speaker and the president for distribution to legislators and the governor on or before the first legislative day of the ensuing regular legislative session. The committee shall submit a report of its recommendations to the legislature in an appropriate form of a resolution so that the legislature may vote to accept or reject the recommendation with respect to each agency. If the committee's recommendation is that the agency be continued and the legislature votes to accept the recommendation such agency shall be continued. If the legislature votes to accept the recommendation such agency shall be continued. If the legislature votes not to accept the recommendation, then the agency shall terminate. If the committee's recommendation is that the agency be terminated and the legislature votes to accept the recommendation, such agency shall be terminated upon the date specified in section 41-20-3. If the legislature votes not to accept the recommendation, then the agency shall be continued. All action of the legislature is subject to article 5, section 125 of the Constitution of Alabama. The committee shall file with its report data in support of its recommendations with respect to each agency. The committee shall use sections 41-20-8 and 41-20-9 as the guideline in preparing its report.; provided, however, nothing in this section shall be construed to prohibit the committee from using other pertinent criteria and methods.

"(e) The committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature. There shall be no limitation upon the number of days the committee or any subcommittee thereof shall meet; provided, however, the members shall be entitled to payment only for the days they are actually engaged in committee business.

§ 41-20-5. Legislative committee review of state the agencies shall begin at least four months in the year prior to the scheduled regular legislative session next preceding the date upon which the agencies are scheduled to terminate pursuant to section 41-20-3, and shall conclude with a recommendation for continuation or termination on or before the first legislative day immediately following said review. The committee is authorized to call other agencies for review, whether or not herein enumerated, with no less than thirty days notice in writing, to the director or head of such agency.

"§ 41-20-10. On the tenth legislative day of the regular session, one hour after the last house convenes, voting in the respective houses of the legislature on the joint committee's recommendations shall commence and thereafter shall continue, from day to day, until voting on all the recommendations with respect to each agency are is completed, as the first order of business. Termination Modification or continuance of any agency, unit or subunit shall be by bill for an act passed by simple majority roll call vote of both house and senate; provided, however, if no vote is taken prior to the termination of debate then in that event the agency shall terminate automatically as provided herein. that debate Debate on the termination modification or continuance of any agency shall not continue beyond the period of two hours from the start of debate on each vote and a recorded vote must be taken at the expiration of said debate.

"Debate as used in this seciton shall mean two hours total time allocated for discussion on each agency considered, for continuance. At the end of this two-hour period of time allocated, which shall be continuous and uninterrupted, it shall be mandatory that the president of the senate and the speaker

of the house shall, in their respective houses, call for a recorded vote on whether to continue accept the recommendations with respect to the agency in question.

§ 41-20-11. No more than one agency shall be continued, terminated modified or reestablished in any one resolution bill for an act as provided for in section 41-20-4, and such agency shall be mentioned in the resolution's title as provided by law. Such resolution shall be governed by article 5, section 125, of the Constitution of Alabama.

"§ 41-20-12. Any agency specified in section 41-20-3 which is terminated shall have a period of 180 days from the date of termination for the purpose of easing cease its affairs on the date specified in section 40-20-3 of this act. and termination shall not reduce or otherwise limit the powers, duties or functions of each in this regard. Upon the expiration of this 180 day period, the specified agency and its personnel positions shall be abolished with all unexpended funds reverting back to the state fund from which the appropriation was made. From the date of sine die of the regular legislative session, immediately preceding the date of termination, any agency automatically terminated because of the legislature not continuing, modifying or reestablishing it, shall exercise no functions or powers except to administratively wind up its affairs. Upon the termination date such agency and its personnel positions shall be abolished with all unexpended funds reverting back to the state fund from which its appropriation was made. Any license issued by such agency, which has an expiration date after the agency's date of termination, shall expire on the effective date of the agency's abolishment. Any penalties for engaging in any profession or activity without being licensed therefor shall not be enforceable with respect to activities occurring after the agency has ceased its functions pursuant to this act.

"§ 41-20-13.

"(a) The life of any agency scheduled for termination under this chapter may be continued, modified or reestablished on a roll call vote of the Legislature, as provided herein, after which time review and evaluation pursuant to the provisions of this chapter shall be repeated.

"(b) Any newly created agency shall have a life, stated in its enabling legislation, not to exceed four years and shall be subject to the provisions of this chapter.

"§ 41-20-14.

"(a) This chapter shall not cause the dismissal of any claim or right of any citizen which is subject to administrative hearing or litigation against any state agency terminated pursuant to the provisions of this chapter.

"(b) The state comptroller is authorized to draw warrants on the state treasury for any outstanding accounts which are legally owed but unsettled by any agency which has ceased functioning pursuant to this act. Such claims must be presented and paid in the same manner as required by law for any claim for the payment of state funds."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Which was adopted.

REGULAR SESSION
21st Day

835

Yeas 27; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Cook	Holmes	Miller	Vacca
Figures	Keener	Mitchem	Weeks
Glass	Kirkland	Parsons	White

—27

Nays:

—0

And said Bill, S. B. 258, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Harrison	McDonald	Taylor
Barron	Holmes	Miller	Teague
Britnell	Keener	Parsons	Vacca
Cook	Kirkland	Proctor	Weeks
Goodwin	Lemaster	St. John	White
Gulledge	Little		

—25

Nays:

—0

The Bill:

S. 227. To amend Section 11-50-313, Code of Alabama 1975, which pertains to the Board of Directors of certain water, sewer, gas and electric systems, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Glass	Little	Proctor
Bailey	Gulledge	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Holmes	Miller	Taylor
Callahan	Keener	Mitchem	Teague
Cook	Kirkland	Parsons	Vacca
deGraffenried	Lemaster	Pearson	White
Denton			

—28

Nays:

—0

The Bill:

S. 202. To provide that there shall be three circuit judges in the fifth judicial circuit.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 202, to-wit:

COMMITTEE AMENDMENT TO S. B. 202

Amend Senate Bill 202 Section (1), Subsection b(3), line 28, by deleting the following "No two judges shall reside in the same county in said circuit".

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Robertson	
Bailey	Goodwin	Lemaster	St. John	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Martin	Vacca	
Callahan	Harrison	Mitchem	Weeks	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes	Proctor		—26

Nays:

—0

And said Bill, S. B. 202, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	Miller	Teague	
Clemon	Harrison	Mitchem	Vacca	
Cook	Holmes	Parsons	White	
deGraffenried	Keener			—29

Nays:

—0

RESOLUTION

Mr. Glass offered the following Senate Joint Resolution, to-wit:

S. J. R. 119. URGING THAT GOVERNOR JAMES, BY EXECUTIVE ORDER, INCREASE INCOME LIMITS FOR MEDICAID ELIGIBILITY BY AN AMOUNT SUFFICIENT TO ENABLE RECIPIENTS TO RETAIN BENEFITS WHICH MIGHT OTHERWISE BE SUSPENDED DUE TO THE LATEST SOCIAL SECURITY INCREASE.

WHEREAS, Social Security benefits are partially protected against inroads from inflation by automatic increments related to the cost-of-living index; and

WHEREAS, in reality, these increased payments in Social Security benefits are not "raises" at all, merely a means for our elderly and disabled to somewhat offset the rapidly rising rate of inflation; and

WHEREAS, there are those Alabamians who, though sorely in need of assistance, are faced with the possibility of losing medicaid benefits because the latest so-called Social Security raise will put their income above present eligibility limits set for receiving medicaid funds through Alabama's Department of Pensions and Security; and

WHEREAS, in extreme cases, there are even those who will lose benefits which have enabled them to receive necessary care in nursing homes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge Governor Fob James to increase, by executive order, the income limits of medicaid recipients in Alabama who, adversely affected by the latest increase in Social Security benefits, are in danger of losing their medicaid payments.

BE IT FURTHER RESOLVED, That Governor James uses Revenue Sharing funds, or any other moneys available, to supplement the needs of the Medicaid program until the end of this fiscal year so that the sick, disabled and elderly in Alabama can continue receiving the assistance they need for the necessities of life.

BE IT FURTHER RESOLVED, That the Governor be notified, by copy of this resolution, of our request and of our support of any action he may take to remedy this regrettable situation.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 39. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Hall	Little	Smith
Callahan	Harrison	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	

—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 95. To amend further Section 12-3-34, Code of Alabama 1975, relating to the Alabama Court of Criminal Appeals' authority to hire certain personnel, so as to change the designation of the position of "stenographer" to "confidential assistant".

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 42. To amend Section 40-28-1, Code of Alabama, 1975, so that municipalities located in counties which prohibit the sale of alcoholic beverages and which are not served by the Tennessee Valley Authority shall share with such counties in the funds to be distributed by the state of Alabama from in-lieu-of-taxes payments made to it by the Tennessee Valley Authority and to establish procedures and methods for calculating the shares of such counties in such funds and calculating the methods of division of such funds.

Also:

H. 646. To amend Title 8, Section 8-17-91 of the Code of Alabama 1975 relating to the disposition of permit fees, inspection fees and penalties paid to the Commissioner of Agriculture and Industries pursuant to Sections 8-17-85 and 8-17-87 of the Code of Alabama of 1975, so as to provide that ten per cent (10%) of the amount collected thereunder each month or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,
JAMES E. FOY,
Executive Secretary.

Done this 26 day of June, 1979.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John Blue, III, Huntsville, Alabama, as a member of the Alabama Alcoholic Beverage Control Board for the unexpired term of Mr. Frank V. Potts (resigned) ending February 19, 1981.

Respectfully,
FOB JAMES,
Governor.

Done this 26 day of June, 1979.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Hall Smith (M):

H. J. R. 243. NAMING THE FINE ARTS BUILDING AT ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY, THE "RICHARD DAVID MORRISON FINE ARTS BUILDING."

WHEREAS, Richard David Morrison, a native Mississippian and a protege of Dr. George Washington Carver, who recruited him to attend Tuskegee Institute, and while there, distinguished himself as an Outstanding Scholar, subsequently obtaining the Master's degree from Cornell University and the Doctor of Philosophy degree from Michigan State University, where he was honored in 1976 as its distinguished alumnus; and

WHEREAS, this aggressive, articulate, keenly intelligent and deeply committed educator, having served at the University for 42 years, first in 1937 as Director of the Division of Agriculture and in 1962 becoming the fifth President of Alabama Agricultural and Mechanical University; and

WHEREAS, having guided the University through its most crucial years, through his outstanding leadership, the University has witnessed a more than sixty per cent growth in enrollment, and has been the recipient of numerous grants and private and public funds to enhance the tremendous curricular development and expansion in research, extension, and other areas; and

WHEREAS, he has given extraordinary service to local civic organizations, State organizations, National Land-Grant Organization, thereby perpetuating support for 1890 land-grant colleges and universities; and

WHEREAS, under his dynamic leadership, the University is fully accredited by State, Regional and National accrediting agencies and is now offering degrees through the Educational Specialist degree and with majors in more than sixty undergraduate areas in the six undergraduate schools; and

WHEREAS, his loyalty, patience, kindness, integrity, devotion and leadership have endeared him to the thousands of alumni, students, faculty and staff; and

WHEREAS, the Legislature of the State of Alabama desires to give recognition to an individual who has meant so much to the institution, community, State and Nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate and name the Fine Arts Building now under construction at the Alabama Agricultural and Mechanical University as the "Richard David Morrison Fine Arts Building" in honor of this dedicated and dynamic leader, and further direct that such name be appropriately inscribed on or affixed to the building in such manner as the Board of Trustees of the University may direct; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the said Richard David Morrison.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 243, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 118. To amend Title 2, Section 2-21-24 of the Code of Alabama of 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Figures	Kirkland	St. John	
Barron	Gulledge	Little	Smith	
Britnell	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Teague	
Clemon	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	Mitchem		—26

Nays:

—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 70. ADMONISHING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION BY NOT ALLOWING THE PETER VASCHENKO AND VLADIMIR SLEPAH FAMILIES TO EMIGRATE FROM THE U.S.S.R.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Mitchem, further consideration of the Bill, S. B. 48, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

The Bill:

S. 369. To amend Code of Alabama, 1975, § 5-9-40 through § 5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide the stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice of waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that general, local or local laws of general application to the contrary notwithstanding any bank a party to a merger, conversion or consolidation may, regardless of the county of location of the principal office of such bank, and, regardless of whether the bank surviving such merger, conversion or

consolidation is a national bank or a state banking corporation, continue to maintain and operate all banking offices maintained and operated at the time of said merger, conversion or consolidation and with appropriate regulatory approval, establish additional banking offices in counties where banking offices are maintained at the time of the merger, conversion or consolidation to the extent permitted to banks having their principal or other banking office in such county, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

was taken up.

Mr. Callahan offered the following substitute for the Bill, S. B. 369, to-wit:

SUBSTITUTE FOR S. B. 369

A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama, 1975, §5-9-40 through §5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1975, §5-9-40 through §5-9-43 are hereby amended so as to read as follows:

§5-9-40. Authorized; exchange of stock. Any banking corporation or trust company organized under any general or special law of this state may, without the approval of any state authority but with the consent of the holders of a majority in amount of its stock obtained at a meeting of the stockholders called therefor, be converted into or consolidated or merged with a national banking association, in such manner as may, at the time of such conversion or consolidation, be prescribed by the laws of Congress, and the stock of such state banking corporation or trust company may be exchanged for stock in such national banking association upon such terms as the consenting stockholders may, at the meeting at which the conversion or consolidation or merger is authorized, determine or upon such terms as the holders of a majority of the stock of such state banking corporation or trust company may, at any other meeting called for such purpose, determine.

§5-9-41. Meeting of stockholders for purpose of conversion or consolidation or merger. All meetings of stockholders, called for any of the purposes provided for in section 5-9-40, shall be called by resolution of the board of directors. Notice of such meeting and of the purposes thereof shall be published once a week for 30 days four consecutive weeks prior to the date of such meeting in some newspaper published with a general circulation in the city, town or village in which the principal place of business of said state banking corporation or trust company is located, but if no daily or weekly newspaper is published in such place, then publication shall be made in a newspaper published nearest thereto; provided, that newspaper publication may be dispensed with entirely if waived by all the shareholders and in the case of a merger or consolidation one publication at least ten days before the meeting shall be sufficient if publication for four weeks is waived by holders of at least two-thirds of each class of capital stock. The state banking corporation or trust company shall send such notice to each shareholder of record by registered mail or by certified mail at least ten days prior to the meeting which notice may be waived specifically by any shareholder.

§5-9-42. Transfer of property of state bank or trust company to national bank. At the time when such conversion of or consolidation or merger by the state banking corporation or trust company with a national banking association, under the charter of the latter, becomes effective, all the property of the state banking corporation or trust company, including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer, and without any further act or deed, be vested in and become the property of the national banking association, which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held and enjoyed by the state banking corporation or trust company.

§5-9-43. Continuation of identity, obligations, etc., of bank or trust company. Upon such conversion or consolidation or merger becoming effective, the national banking association shall be deemed to be a continuation of the entity and of the identity of the state banking corporation or trust company, and all the rights, obligations and relations of the state banking corporation or trust company to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust, and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function, shall remain unimpaired. The national banking association as of the time of the taking effect of such change or conversion, consolidation or merger shall succeed to all such rights, obligations, relations and trusts, and the duties and liabilities

connected therewith, and shall execute and perform each and every such trust or relation in the same manner as if the national banking association had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If the state banking corporation or trust company is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties and obligations connected therewith shall remain unimpaired and shall continue into and in said national banking association from and as of the time of the taking effect of such conversion or consolidation, or merger, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the consolidation or merger of a state banking corporation or trust company with a national banking association, shall, in respect to any such executorship, trusteeship or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act.

§5-9-43(1). Rights of dissenting shareholder. The rights of shareholders of the national banking association dissenting from the conversion, merger or consolidation shall be governed exclusively by the applicable laws of Congress. A shareholder of a state banking corporation or trust company who votes against the conversion, merger, or consolidation, or who has given notice in writing to the bank at or prior to such meeting that he dissents from the plan, shall be entitled to receive in cash the value of the shares held by him, if and when the conversion, merger, or consolidation is consummated, upon written request made to the resulting national bank at any time before thirty days after the date of consummation of such conversion, merger or consolidation, accompanied by the surrender of his stock certificates. The value of such shares shall be determined as of the date on which the shareholders' meeting was held authorizing the conversion, merger, or consolidation, by a committee of three persons, one to be selected by unanimous vote of the dissenting shareholders entitled to receive the value of their shares, one by the directors of the resulting national bank, and the third by the two so chosen. The valuation agreed upon by any two of three appraisers thus chosen shall govern. If, within ninety days from the date of consummation of the conversion, merger or consolidation, for any reason one or more of the appraisers is not selected as herein provided, or the appraisers fail to determine the value of such shares, the Comptroller of the Currency of the United States (or upon failure or refusal by the Comptroller of the Currency to act, any court of competent jurisdiction) shall upon written petition of any interested party be authorized to cause an appraisal to be made, which shall be final and binding on all parties. The expenses of the Comptroller in making the appraisal shall be paid by the resulting national bank. The plan of conversion, merger or consolidation shall provide the manner of disposing of the shares of the resulting bank not taken by the dissenting shareholders of the state banking corporation.

Section 2. Any bank, whether a national bank or a state banking corporation, surviving or resulting from any merger, conversion or consolidation (collectively referred to herein as a "reorganization.") may, regardless of

the county of location of the principal office of such bank at the time of or subsequent to such reorganization:

(a) continue to maintain and operate all banking offices maintained and operated at the time of such reorganization by any bank a party thereto, and

(b) with the approval of the appropriate bank regulatory authority, thereafter establish and operate additional banking offices in any county in this state in which a banking office is maintained by a party to said reorganization at the time thereof to the same extent that a bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization. This Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish any additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed to the extent of any such conflict, except that:

(a) Nothing contained herein shall be deemed in any way to change or repeal the provisions of Alabama Code of 1975, §5-9-1, except as herein set forth; and

(b) The provisions of Alabama Code of 1975, §5-1-19 and any general or local law or general law of local application shall not be deemed to have been modified or repealed except to the extent necessary to give effect to the provisions of this Act.

Section 4. The provisions of this Act are severable. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 483. To authorize the county governing body of Tuscaloosa County, Alabama, and the governing body of any municipality in Tuscaloosa County, to enter into long term contracts for the disposal of solid waste, garbage, and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

Also:

S. 55. To create the Private Colleges and Universities Facilities Authority; to authorize the Authority to acquire, construct and equip self-liquidating Projects consisting of educational facilities for lease or sale to

private institutions of higher education; to confer powers and impose duties on the Authority; to provide for the appointment of members of the Authority; to authorize the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; to provide that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; to make such revenue bonds legal investments and to provide that any revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivision of the State; and to fix the venue for jurisdiction of actions relating to any provisions of this Act.

Also:

S. 25. Relating to Lauderdale County; authorizing nighttime hunting of raccoons and opossums under certain conditions.

JOHN W. PEMBERTON,
Clerk.

MOTION IN WRITING

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 137, on page 77 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 137, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 369

The Senate proceeded to further consideration of the Bill, S. B. 369. The question was on the substitute offered by Mr. Callahan.

Mr. Proctor moved that further consideration of the Bill, S. B. 369, and pending substitute be postponed until the Twenty-Fourth Legislative Day.

Mr. Mitchem offered a substitute motion that the Bill, S. B. 369, and pending substitute be postponed until the Twenty-Third Legislative Day, which motion was adopted.

The question was then on the motion of Mr. Proctor, as amended by the motion of Mr. Mitchem, and on motion of Mr. Callahan, said motion was laid on the table.

Yeas 18; Nays 15.

Yeas:

Messrs.:	Clemon	Goodwin	Martin
Bailey	Cook	Gulledge	Robertson
Barron	deGraffenried	Hall	Vacca
Britnell	Denton	Harrison	White
Callahan	Glass	Higginbotham	

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Nays:

Messrs.:	Lemaster	Mitchem	Smith
Holmes	Little	Parsons	Taylor
Keener	McDonald	Proctor	Teague
Kirkland	Miller	St. John	Weeks

—15

Mr. Proctor then moved that further consideration of the Bill, S. B. 369, and pending substitute, be postponed until the next Legislative Day.

On motion of Mr. Callahan, said motion was laid on the table.

Yeas 18; Nays 14.

Abstaining 1.

Yeas:

Messrs.:	Cook	Gulledge	Pearson
Bailey	deGraffenried	Hall	Robertson
Barron	Denton	Harrison	Vacca
Callahan	Figures	Higginbotham	White
Clemon	Goodwin	Martin	

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Nays:

Messrs.:	Lemaster	Mitchem	Smith
Holmes	Little	Parsons	Taylor
Keener	McDonald	Proctor	Teague
Kirkland	Miller	St. John	

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Abstaining: Mr. Weeks. —1

MOTION TO ADJOURN LOST

At 4:40 P.M., Mr. Proctor moved that the Senate adjourn until Thursday, June 28, 1979, at 10 o'clock A.M., which motion was lost.

Yeas 15; Nays 16.

Yeas:

Messrs.:	Lemaster	Mitchem	St. John
Holmes	Little	Parsons	Smith
Keener	McDonald	Proctor	Taylor
Kirkland	Miller	Robertson	Teague

—15

Nays:

Messrs.:	Cook	Gulledge	Pearson
Bailey	deGraffenried	Harrison	Vacca
Barron	Denton	Higginbotham	Weeks
Callahan	Goodwin	Martin	White
Clemon			

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FURTHER CONSIDERATION
OF S. B. 369

The Senate proceeded to further consideration of the Bill, S. B. 369. The question was on the substitute offered by Mr. Callahan.

MOTION TO ADJOURN LOST

At 4:45 P.M., Mr. St. John moved that the Senate adjourn until Thursday, June 28, 1979, at 10:05 A.M., which motion was lost.

Yeas 15; Nays 17.

Yeas:

Messrs.:	Lemaster	Mitchem	St. John
Holmes	Little	Parsons	Smith
Keener	McDonald	Proctor	Taylor
Kirkland	Miller	Robertson	Teague

—15

Nays:

Messrs.:	Cook	Goodwin	Martin
Bailey	deGraffenried	Gulledge	Pearson
Barron	Denton	Harrison	Vacca
Callahan	Figures	Higginbotham	White
Clemon	Glass		

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FURTHER CONSIDERATION
OF S. B. 369

The Senate proceeded to further consideration of the Bill, S. B. 369. The question was on the substitute offered by Mr. Callahan.

And said substitute was then adopted by the Senate.

Yeas 24; Nays 3.

Abstaining 1.

Yeas:

Messrs.:	deGraffenried	Holmes	Proctor
Bailey	Denton	Keener	Smith
Barron	Figures	Kirkland	Taylor
Britnell	Goodwin	Martin	Teague
Callahan	Harrison	McDonald	Vacca
Clemon	Higginbotham	Mitchem	White
Cook			

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Nays: Messrs.: Little, Miller, Weeks.

—3

Abstaining: Mr. Parsons.

—1

Mr. Kirkland moved that the Senate reconsider the vote by which the substitute for the Bill, S. B. 369, was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 164. COMMENDING CAPTAIN ROBERT M. THACKER OF EVERGREEN, RECENTLY RETIRED.

Also:

H. J. R. 165. HONORING FORMER CONSERVATION OFFICER, W. A. THAMES OF EVERGREEN.

Also:

H. J. R. 176. EXPRESSING APPRECIATION TO ALL ALABAMA VETERANS OF VIET NAM.

Also:

H. J. R. 194. NAMING THE AUDITORIUM AT PATRICK HENRY STATE JUNIOR COLLEGE IN HONOR OF DR. JAMES D. NETTLES.

Also:

H. J. R. 240. EXPRESSING APPRECIATION TO THE MARINE PARTICIPANTS IN THE LEGISLATURE'S FLAG DAY CEREMONIES.

Also:

H. J. R. 241. NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

Also:

H. J. R. 242. CONGRATULATING AND COMMENDING VON-DAL GRAVLEE ON HIS ELECTION AND SERVICE AS PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 39. To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

Also:

H. 118. To amend Title 2, Section 2-21-24 of the Code of Alabama of 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

Also:

H. J. R. 243. NAMING THE FINE ARTS BUILDING AT ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY, THE "RICHARD DAVID MORRISON FINE ARTS BUILDING."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, had compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

Also:

S. J. R. 111. CONGRATULATING AND COMMENDING THE HOME BUILDERS ASSOCIATION OF THE MUSCLE SHOALS AREA FOR OUTSTANDING COMMUNITY CONTRIBUTION.

Also:

S. 95. To amend further Section 12-3-34, Code of Alabama 1975, relating to the Alabama Court of Criminal Appeals' authority to hire certain personnel, so as to change the designation of the position of "stenographer" to "confidential assistant".

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 369

The Senate proceeded to further consideration of the Bill, S. B. 369, as amended.

Mr. Kirkland requested and received unanimous consent to withdraw his motion to reconsider the Bill, S. B. 369, as amended.

Mr. Callahan requested and received unanimous consent to postpone further consideration of the Bill, S. B. 369, as amended, until the next Legislative Day as Unfinished Business.

BILLS ON THIRD READING RESUMED

The Bill:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle:

H. 378. To amend the Code of Alabama 1975, §9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 378. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 239. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama for employment-service in public education rendered in states other than Alabama; to provide further for the granting of up to five (5) years creditable service under the Employees' Retirement System of Alabama for public employment rendered in states other than Alabama; to provide for the

methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 239. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 573. To amend Sections 8-6-3, 8-6-7, 8-6-8, 8-6-11, 8-6-12, 8-6-18, 8-6-57 and 8-6-58, Code of Alabama 1975, relating to the Alabama Securities Act, so as to further delineate the circumstances under which the commission may deny, suspend or revoke registration of dealers or salesmen; to require the submission of an opinion of counsel as to the legality of securities being registered by qualification; to provide that registration by qualification shall be effective for a period of one year; to further define an isolated transaction; to increase the filing fee for application for exemption from registration in certain nonpublic offerings of securities; to further define the scope of the act with respect to when an offer or sale is made in this state; to increase the criminal penalties for violation of the act and provide for its enforcement; to change the merit system classification of the deputy director; and to provide for the employment of additional personnel.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 573. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 337. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table

wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 337. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren:

H. 772. To further amend Section 34-5-15 of the Code of Alabama 1975, as amended, relating to applicability of the state barber's law, so as to provide further for such applicability.

Also:

By Rep. Sasser:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

Also:

By Rep. Moore:

H. 247. To amend Section 16-8-23, Code of Alabama, 1975, relating to the county board of education's appointment and dismissal authority over personnel.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 772. To the Committee on Health and Welfare.

H. B. 275. To the Committee on Finance and Taxation.

H. B. 247. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Greer and Coburn:

H. 643. To permit the Department of Public Safety to charge for the cost of providing goods and services furnished and permit the retention of such funds in the Department's operating budget.

Also:

By Rep. Blake:

H. 799. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

Also:

By Rep. Owens:

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate by the physician, midwife, or other person reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

Also:

By Rep. Johnson (Roy) (with notice and proof):

H. 238. Relating to Tuscaloosa County; to provide for the imposing, levying and collecting of an additional tax of four percent on the charge for lodging, room and personal property rental, services and accommodations furnished to transient occupants for a consideration by any hotel, motel, inn, tourist camp or tourist cabin in Tuscaloosa County; and to prescribe penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 238, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford:

H. 459. Relating to small loan companies, finance companies, and other individuals or persons holding licenses from the State Banking Department.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 643. To the Committee on Governmental Affairs.

H. B. 799. To the Committee on Judiciary.

H. B. 56. To the Committee on Health and Welfare.

H. B. 238. To the Committee on Local Legislation No. 1.

H. B. 459. To the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 195. To amend sections 12-15-1, 12-15-32, 12-15-33, and 12-15-71 of the Code of Alabama 1975, relating to juvenile proceedings so as to further provide for the jurisdiction of the juvenile court.

Also:

By Reps. McMillan, Carter, Turner, Warren, Bedsole, Sandusky and Harper:

H. 415. To amend Code of Alabama 1975, § 9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

Also:

By Rep. Owens:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

Also:

By Rep. Starkey (with notice and proof):

H. 687. To alter, rearrange and extend the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence; to require that the provisions hereof shall become effective immediately, and only upon approval of the electors of the County residing within the territory proposed to be annexed voting by four separate areas as hereinafter provided; and if the electors residing in any one of the said four areas proposed to be annexed voted in favor of annexation, then such area shall be annexed, and if any one of the said four areas proposed to be annexed vote against such annexation, then such area shall not be annexed; and to require the Judge of Probate of Lauderdale County, Alabama to conduct the election after due notice thereof as herein provided.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 687, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 195. To the Committee on Judiciary.

H. B. 415. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 241. To the Committee on Finance and Taxation.

H. B. 687. To the Committee on Local Legislation No. 1.

ADJOURNMENT

At 5:15 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 389 and 369, the Senate adjourned until Thursday, June 28, 1979, at 9:55 A.M.

TWENTY-SECOND LEGISLATIVE DAY

THURSDAY, JUNE 28, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Bill Cox, Pastor, Sharon Baptist Church, Pinson, Alabama.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John:

S. 566. Relating to savings and loan associations; to provide a procedure for approval of branch offices in jurisdictions permitting same; and to repeal conflicting laws.

Committee on Banking and Insurance.

By Mr. Vacca (with notice and proof):

S. 567. To define the power of the governing body of municipalities located in Jefferson County, and the power of the Jefferson County Commission, to set rates of pay of employees and to provide for other job benefits of employees and to provide for rights of governmental employees, employed by municipalities located in Jefferson County and employed by Jefferson County to due process of law, before being deprived of benefits of government employment.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 567, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Taylor:

S. 568. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Committee on Business and Labor Relations.

By Mr. Kirkland (with notice and proof):

S. 569. Relating to Monroe County; providing for an increase in the compensation of the members of the board of equalization, and further providing for an additional travel allowance for the board; providing that this Act shall become effective October 1, 1979.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 569, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Keener:

S. 570. Relating to Class 4 and 5 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely

out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Committee on Governmental Affairs.

By Mr. Taylor (With Notice and Proof):

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 571, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. White:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

Committee on Health and Welfare.

By Mr. White:

S. 573. To place a ceiling on the number of eligible persons to whom the Medical Services Administration may pay benefits.

Committee on Health and Welfare.

By Mr. White:

S. 574. To provide for establishing one or more water quality planning agencies to plan for, and formulate programs for, the prevention of water pollution and for the improvement of the quality of water within any region for which there has been, or is hereafter, established any regional planning and development commission, provided for by Section 11-85-52 of the Code of

Alabama of 1975; to provide for the method by which, and the terms and conditions on which, any such water quality planning agency may be established; to provide for the composition of water quality planning agencies; to provide that local governmental units within the area wherein such water quality planning agency is authorized may by agreement establish such water quality planning agency and may by such agreement prescribe the terms and manner of selection and replacement of the representatives of local governmental units participating in the establishment of such water quality planning agency; to define the powers of any such water quality planning agency, which powers shall include the power to prepare and publish studies of the agency area, and of the resources of such area, the power to make plans and to conduct programs relating to the prevention of water pollution or the improvement of the quality of water in the agency area, and the power to borrow money and apply for and receive grants in aid; to provide that the agreement between the local governmental units establishing any such water quality planning agency may prescribe the payments which local governments participating in the agreement shall make to the water quality planning agency to finance the establishment and operation of said agency; to provide that the agreement establishing the water quality planning agency may prescribe the payments which any public water board, or public water authority, situated within a county which is a party to the agreement shall pay to the agency to finance the said agency; to provide that local governments selling water or water boards or water authorities required to make any payments to the water quality planning agency shall collect from their respective customers, to whom they sell, distribute or deliver water, the payments which the agreement requires the said local governments, water boards and water authorities to make to the water quality planning agency; to authorize any county or municipality which is a party to an agreement for the establishment of a water quality planning agency to contribute or donate money or other property to the agency, to be used by the agency in its program for the prevention of water pollution and the improvement of the quality of water in the agency area.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Little:

S. 575. This Act, which shall be known as the Alabama Sale of Fine Prints Act, establishes requirements for the selling of and offering for sale limited edition art objects; provides for detailed information concerning such objects to accompany each individual purchase; provides for certain proof of purchase information to accompany each receipt or invoice upon the sale of an item, and provides for penalties in violation of these requirements, a statute of limitations in bringing an action under this act.

Committee on Judiciary.

By Mr. Weeks (with notice and proof):

S. 576. Relating to Bullock County; to provide for the employment of clerks, secretaries and clerical assistants to perform duties in the County offices located in the County Courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 576, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

REPORTS FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John Blue, III, to the Alabama Alcoholic Beverage Control Board

On motion of Mr. McDonald, the appointment of Mr. Blue to the Alabama Alcoholic Beverage Control Board was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson
Barron	Higginbotham	Martin	Smith
Britnell	Holmes	McDonald	Taylor
Callahan	Keener	Miller	Teague
Denton	Kirkland	Mitchem	Weeks
Glass	Lemaster	Proctor	White
Goodwin			

—24

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John M. Harbert, III, to the Alabama Alcoholic Beverage Control Board

On motion of Mr. McDonald, the appointment of Mr. Harbert to the Alabama Alcoholic Beverage Control Board was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Glass	Holmes	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Weeks
deGraffenried	Higginbotham	Pearson	White
Denton			

—24

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Frieda Coggin to the Alabama Alcoholic Beverage Control Board

On motion of Mr. Gulledge, the appointment of Mrs. Coggin to the Alabama Alcoholic Beverage Control Board was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Proctor
Barron	Goodwin	Kirkland	St. John
Britnell	Gulledge	Lemaster	Teague
Callahan	Hall	McDonald	Vacca
Clemon	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Mitchem	White
Denton			

—24

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 25. Relating to Lauderdale County; authorizing nighttime hunting of racoons and opossums under certain conditions.

Also:

S. 55. To create the Private Colleges and Universities Facilities Authority; to authorize the Authority to acquire, construct and equip self-liquidating Projects consisting of educational facilities for lease or sale to private institutions of higher education; to confer powers and impose duties on the Authority; to provide for the appointment of members of the Authority; to authorize the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; to provide that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of the Authority created by this Act; to make such revenue bonds legal investments and to provide that any revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and to fix the venue for jurisdiction of actions relating to any provisions of this Act.

Also:

S. 483. To authorize the county governing body of Tuscaloosa County, Alabama, and the governing body of any municipality in Tuscaloosa County, to enter into long term contracts for the disposal of solid waste, garbage, and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that

the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gafford, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Cooley, Cosby, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holmes, Howard, Johnson (R. G.), Johnson, Roy, Kennedy (C), Laird, Langford, Letson, Lewis, McKee, Minus, Naramore, Olive, Parker, Patton, Payne, Rains, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Waggoner, Williams, Wyatt and Zoghby:

H. J. R. 244. URGING IMMEDIATE TRIAL AND SWIFT PUNISHMENT OF THOSE RESPONSIBLE FOR THE BRUTAL AND SAVAGE ATTACK UPON A YOUNG MONTGOMERY WOMAN ON JUNE 23, 1979.

WHEREAS, in shock and utter disbelief, this body is unable to even comprehend such depravity as that displayed by those responsible for the savage and brutal rape of a young Montgomery woman on June 23, 1979; and

WHEREAS, shown no mercy, the young mentally retarded victim was then shot three times and left for dead by ruthless savages who themselves deserve no mercy at the hands of those who must decide their fate; and

WHEREAS, the heinousness of such crimes can in no way be tempered by any plea or plight or circumstance, and such inhumanity to man must be swiftly dealt with and those responsible punished to the fullest extent of the law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such brutal lawlessness cannot and will not be tolerated in the State of Alabama, and we hereby demand justice, swift and certain, for the despicable degenerates who would commit such crimes against a young woman, childlike in mentality and in her trust of others.

BE IT FURTHER RESOLVED, That authorities are urged to bring those perpetrators to trial at the earliest possible moment as a possible deterrent to others would commit such atrocities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 244, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Proctor, Kirkland, Little, Higginbotham, St. John, Martin, Lemaster, Gulledge, Parsons, Figures, White, Cook, Goodwin, Denton, McDonald, Britnell, Keener, Holmes, Teague, Glass, Callahan, and Clemon:

S. 185. To amend Section 17-6-13, Code of Alabama 1975, which section provides for the compensation of county election officials, so as to provide further for the compensation of such officials.

By Mr. Pearson:

S. 439. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

By Mr. Hall:

S. 473. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Mr. Vacca:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ford (With Amendment):

H. 305. To amend Section 8 of Act No. 138, S. 1 of the 1978 Second Special Session (Acts 1978, p. 1883) which section prescribes the use of bond proceeds, issued by the Alabama Public School and College Authority, for elementary-secondary school systems for capital improvements and educational purposes, so as to further prescribe the use of funds for Etowah County.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 503. To provide for the implementation of United States Public Law 94-458, General Authorities Bill, authorizing the Secretary of Interior to relinquish to a State part of the legislative jurisdiction of the United States over National Park Service lands located in that State, and authorizing the Secretary of Interior to accept concurrent jurisdiction over National Park Service lands when the State relinquishes part of its legislative jurisdiction over such lands.

By Mr. Mitchem:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and Industries any purchases of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

By Mr. Mitchem:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131 (5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

By Messrs. Bailey, Mitchem, and McDonald:

S. 537. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of peanuts, milk, and cotton and peanut, milk and cotton products; and to provide for assessment and fees to pay for the cost thereof.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Keener:

S. 513. To regulate further the hunting of migratory waterfowl; to provide for the issuance of migratory waterfowl stamps and for the collection of fees therefor; to provide for the procurement, development, restoration, maintenance, or preservation of wetlands for waterfowl habitat and for public waterfowl hunting areas; and to require the state department of conservation and natural resources to carry out the provisions of this act.

By Reps. Penry, Smith (C) and Whatley:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

By Messrs. Britnell and Robertson:

S. 467. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

By Mr. Kirkland:

S. 313. To provide for the condemnation and sale of vehicles, boats, animals or firearms used in the hunting of deer at night.

By Mr. Gullledge:

S. 519. To provide that the commissioner of the department of conservation and natural resources may promulgate regulations having the force and effect of law to prohibit at certain times of the year the use of airboats on any of the public waters of this state and to provide penalties therefor.

By Mr. Britnell:

S. 408. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

S. 546. To amend Section 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails, to pay contributions on

or before established due dates, and a penalty of not more than \$500 against any employer who fails within the time prescribed, to file any reports required by law, rule or regulation.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (With Substitute):

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of health to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of health; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and, additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smith and McDonald:

S. 534. To amend Section 8-8-5, Code of Alabama 1975, which provides for the maximum rate of interest upon loans of \$100,000.00 or more made to individuals, non-profit corporations, partnerships, or associations so as to include trustees and business trusts within the purview of this section; and provides for its retroactive effect.

By Mr. Goodwin:

S. 541. Relating to motor vehicles; requiring as a prerequisite to registration of a motor vehicle and renewal of a driver's license that every person so registering or renewing shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility; to facilitate the procuring of such insurance by providing for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks and to prescribe penalty for enforcement.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bennett (With Substitute):

H. 335. To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975,

so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lewis and Howard:

H. 461. To amend Section 40-12-258, Code of Alabama 1975, which relates to the payment of registration fees on motor vehicles, the placement of license tags on vehicles, and the issuance of receipts in triplicate for said tags, so as to provide for a daily penalty after a certain time interval when the judge of probate is delinquent in remitting one copy of the receipt to the department of revenue.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 126. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term

prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provisions; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

By Mr. Weeks:

S. 419. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact developed by the Council of State Governments, which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists.

By Messrs. deGraffenried, Denton, Mitchem, Callahan, Higginbotham, Barron, Martin, St. John, Smith, Little, Gullledge, Robertson, Goodwin, Britnell, Teague, Harrison, Kirkland, Lemaster, Holmes, Keener, Parsons, White, Vacca, Weeks, Bailey, and Proctor:

S. 498. To amend Section 4045 of Act No. 770, H. 10, Regular Session 1978 (Acts of Alabama 1978, p. 1110), to change the crimes of Illegal Possession of and Fraudulent use of a credit card or debit card from Class A misdemeanors to Class C felonies.

By Mr. Cook:

S. 512. To amend Section 10-3-4 of the Code of Alabama, 1975, relating to the Alabama Non-Profit Corporation Act, so as to provide further for the availability of its provisions to existing corporations.

By Mr. Smith:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

By Rep. Biddle:

H. 8. To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violations.

By Rep. Clark:

H. 75. To amend subsection (f) of § 12-14-70, Code of Alabama, 1975, which section relates to appeals from municipal courts to the circuit court and to fix the responsibilities of the municipal courts in the event of dismissal of appeals and to establish procedures for entering judgments of default on appeal bonds.

By Rep. Riddick:

H. 182. To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

By Rep. Langford, et al:

H. 533. To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith and McDonald (With Amendment):

S. 545. To propose an amendment to the Constitution to amend further Section 217 of the Constitution, which relates to ad valorem taxation, so as to provide that local taxing authorities may increase millage rates of ad valorem taxes beyond the date of September 30, 1979, in the event that there is an uncompleted property reappraisal in that particular locality.

The above Bill was read a second time at length as required by the Constitution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Substitute) (With Amendment):

S. 324. To amend Sections 41-9-160, 41-9-161, 41-9-165, and 41-9-166, Code of Alabama 1975, regarding the state building code, so as to further define certain terms, provide for an energy conservation code, to authorize political subdivisions to adopt the code, and to require compliance with the code.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and of parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

By Mr. Gulledge:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

By Mr. Cook:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

By Mr. Little:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

By Mr. Gulledge:

S. 518. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

By Mr. McDonald:

S. 533. To amend the Code of Alabama 1975, Section 40-23-35, to remove the staffing restriction placed on employees in the Department of Pensions and Security county food stamp offices.

By Messrs. Smith and McDonald:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with

the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

By Reps. Zoghby, Bedsole and Sandusky:

H. 203. To be known as the "Historical Preservation Authorities Act of 1979"; to authorize the incorporation in this state of public corporations for the purpose of undertaking and making or causing to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that has been listed in the National Register of Historic Places and developing property in the vicinity thereof, restoring, constructing, acquiring, owning, operating, leasing, selling and otherwise disposing of any such property, and cooperating with and lending financial assistance and other aid to municipalities, communities, counties, individuals, associations, partnerships, and public and private corporations in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any such property; to provide the method of incorporating such corporations, the management thereof, and the election of directors thereof; to specify the powers and duties of such corporations; to authorize such corporations to issue bonds payable solely from the revenues of such corporations derived from the operation or leasing or sale of any such property and to secure such bonds by pledges of such revenues and by mortgages on any such property; to provide that no bond or obligation created or assumed by such corporations shall create an obligation or debt of any county or municipality or of the state; to authorize the refunding of any such bonds; to provide that all such bonds shall be negotiable instruments; to authorize such corporations to enter into contracts to secure payment of such bonds; to authorize such corporations to create a statutory mortgage lien on property of such corporation in favor of the holders of such bonds; to provide for the use of proceeds from the sale of bonds of such corporations; to authorize any county, municipality, or other political subdivision, public corporation, agency or instrumentality of this state to lend or donate money to or perform services for the benefit of such corporations, or to donate, sell, convey, transfer, lease or grant to such corporations, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise, and to do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with such corporations in furtherance of their corporate purposes; to exempt from taxation such public corporations and their property and income, all bonds issued by such corporations, the income and interest from such bonds, conveyances by and to such corporations, and leases, mortgages and deeds of trust by and to such corporations; to provide for the filing of the certificates of incorporation or the recording of any document by such corporations without the payment of any fees, taxes or costs; to provide for reports by such corporations to the governor; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the severability of the provisions hereof; to provide the effective date hereof; to exempt any corporation organized hereunder from Sections 41-16-50 through 41-16-63 of the CODE OF ALABAMA 1975; and to provide for the dissolution of such corporations and the disposition of their property upon dissolution, and to specifically repeal Act No. 822, H. 557, 1978 Regular Session (Acts 1978, p. 1213) as codified as Sections 41-10-120 through 41-10-134, Code of Alabama 1975, and other conflicting laws.

By Rep. Turnham, et al:

H. 282. To make legislative findings regarding the shortage in the state of facilities for the housing, care and treatment of persons requiring

special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as the shortage of funds needed to finance such facilities; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of the members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of any such authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the state (i) the property, corporate activities, revenues and income of each such authority (ii) certain transactions or actions to which each such authority is a party or in which it may be involved and (iii) the notes and bonds of each such authority and the income from such notes and bonds; to exempt any such authority from all laws of the state governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to prohibit the sectarian use of facilities financed or assisted by any such authority; to prescribe conditions for any management contract providing for the management of any facility by a party that is not a governmental agency or a not-for-profit organization; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to provide that any such authority shall be a not-for-profit corporation; to provide that

the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

By Rep. Ward, et al:

H. 304. Relating to electors; to authorize incorporated municipalities to enter into contracts with any county and its board of registrars to conduct a program of identification of registered electors residing within the corporate limits of the municipality; to provide that any county and its board of registrars may conduct an identification program of electors residing in the municipality; to authorize incorporated municipalities to expend public funds for such purposes herein set forth.

By Rep. Cates:

H. 314. To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

By Rep. Venable, et al:

H. 331. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof):

S. 553. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County.

By Mr. McDonald (with notice and proof):

S. 539. Relating to Limestone County; to provide further for the compensation of the members of the county board of equalization by authorizing the Limestone County commission to provide certain county salary supplements for such members.

By Rep. Warren:

H. 460. To provide Solicitor Counsels for the 35th Judicial Circuit; to provide the conditions under which a County Solicitor or District Attorney of the 35th Judicial Circuit may become a Solicitor Counsel; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from such office.

By Messrs. McDonald and Smith (with notice and proof):

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

By Mr. Starkey (with notice and proof):

H. 687. To alter, rearrange and extend the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence; to require that the provisions hereof shall become effective immediately, and only upon approval of the electors of the County residing within the territory proposed to be annexed voting by four separate areas as hereinafter provided; and if the electors residing in any one of the said four areas proposed to be annexed voted in favor of annexation, then such area shall be annexed, and if any one of the said four areas proposed to be annexed vote against such annexation, then such area shall not be annexed; and to require the Judge of Probate of Lauderdale County, Alabama to conduct the election after due notice thereof as herein provided.

By Reps. Stout and Rains (with notice and proof):

H. 703. Relating to selling and redeeming lands for taxes in DeKalb County, Alabama.

By Reps. Stout and Rains (with notice and proof):

H. 704. Relating to DeKalb County; providing for the compensation of the tax assessor and tax collector.

By Reps. Laird, Turnham, Ward and Harper (O) (with notice and proof):

H. 754. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

By Reps. Shavers, Stout and Hall (with notice and proof):

H. 761. Relating to Jackson County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

By Reps. Shavers, Stout and Hall (with notice and proof):

H. 762. Relating to Jackson County; to authorize the coroner to appoint a deputy coroner, and to provide for the compensation of such deputy coroner.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vacca (with notice and proof):

S. 548. To amend Act No. 210 of the Regular Session of the Legislature of Alabama of 1975 (Ala. Acts, 1975, pp. 482 and 483) authorizing the

governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county four administrative assistants to the said governing body to serve at the pleasure of the governing body.

By Reps. Bennett and Amari (with notice and proof):

H. 257. To amend Section 4 of ARTICLE VIII of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, pp. 1579-1599), herein called "Act 929," which said Act 929 established for every city of the State of Alabama having a population of Two Hundred Fifty Thousand (250,000) or more, according to the last or any succeeding federal census, a pension and relief system for officers and employees of such city, and which said Act 929 was amended by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973, pp. 2124-2155).

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan (with notice and proof) (With Amendment):

S. 448. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

By Rep. Sandusky (with notice and proof) (With Amendment):

H. 692. To provide that persons now residing in nursing homes and permanently disabled persons confined to home in Mobile County may register to vote by mail.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Glass:

S. 446. To amend Act No. 126, H. 58, 1971 Regular Session (1971 Acts, p. 208) entitled "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit," so as to further provide for the distribution of such taxes.

By Mr. Callahan (with notice and proof):

S. 520. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

By Mr. Callahan (with notice and proof):

S. 522. Relating to Mobile County; the purpose of this bill is to provide a supplement to the salaries of Register of the Circuit Court and the District Court Clerk of the Thirteenth Judicial Circuit.

By Rep. Sandusky (with notice and proof):

H. 410. Relating to Mobile County; to provide for an increase in funds from the general funds of the several incorporated municipalities in Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

By Reps. Sandusky, Harper, Stewart and Turner (with notice and proof):

H. 531. Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

By Reps. Sandusky, Harper, Stewart and Turner (with notice and proof):

H. 532. Relating to Mobile County; to amend Section 1 of Act No. 767, H. 411, Regular Session 1973 (Acts 1973, p. 1175), which relates to the salary of the tax assessor, so as to provide further for such salary.

By Rep. Turner (with notice and proof):

H. 613. Relating to Mobile County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

By Rep. Sandusky (with notice and proof):

H. 621. Relating to Mobile County; to provide for an increase in funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

By Rep. Sandusky (with notice and proof):

H. 690. To authorize the Mobile County Commission to grant a county salary supplement to the Circuit Clerk of the 13th Judicial Circuit.

By Rep. Sandusky (with notice and proof):

H. 691. To amend and revise Act No. 87, No. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County, (Acts 1955, Vol 1, page 335,) as last amended by an Act approved May 11, 1977, (Acts 1977 Vol 1, page 605).

By Reps. Kennedy (C), Kennedy (Y), and Buskey (with notice and proof):

H. 741. To direct the cancellation of promissory notes held by the Board of School Commissioners of Mobile County, Alabama executed by the S. D. Bishop Junior College in consideration of a transfer of land.

By Rep. Bedsole:

H. 771. To repeal Act No. 751, S. 599, 1967 Regular Session (Acts 1967, p. 1606), as last amended which relates to the maintenance and operation of county health departments in all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. deGraffenried and Robertson (With Substitute):

S. 550. To amend Section 32-9-20, Code of Alabama 1975, which provides for the schedule of size and weight restrictions of motor vehicles on state highways, so as to increase the maximum length restriction from 55 feet to 60 feet.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar, for today, to-wit:

By Messrs. Weeks, Miller and Bailey:

S. 97. To exempt the Charles Henderson Child Health Center of Troy, Alabama, from the payment of all state, county and municipal sales and use taxes.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. St. John:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

By Mr. Hall:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

By Mr. St. John:

S. 399. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

By Rep. Holley:

H. 240. To amend section 25-5-50, Code of Alabama 1975, which relates to the applicability of the state workmen's compensation program, so as to allow employers to participate in said program.

RESOLUTION

Messrs. Robertson and Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 120. INSTRUCTING ALL DEPARTMENTS OF THE STATE OF ALABAMA WITH REGARD TO RE-EMPLOYMENT OF DISMISSED STATE EMPLOYEES.

WHEREAS, recent action by many department heads has resulted in the dismissal of untold numbers of state employees, many with years of longevity under the Merit System of the State of Alabama; and

WHEREAS, most recently, the director of one of our departments has announced the imminent dismissal of an additional several hundred employees; and

WHEREAS, this body which, of course, supports dismissal for cause on an individual basis, cannot condone wholesale dismissal, under whatever guise, as being in the best interest of responsible state government; and

WHEREAS, it is the consensus of the Legislature that conscientious and loyal state employees deserve loyalty in kind by the administration and its department heads; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct all departments of the State of Alabama to strictly adhere to a hiring policy which mandates re-employment for all dismissed state employees for any and all departmental vacancies to be filled.

BE IT FURTHER RESOLVED, That no one will be appointed to fill any vacancy until all former state employees dismissed through no fault of their own have been rehired by the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Governor Fob James, to our State Personnel Director and to all department heads that they may be advised of our directive with regard to future employment policy.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 10:55 A.M., Mr. St. John moved that the Senate take a recess, at which time, in accordance with H. J. R. 208, the Message of The Honorable Chief Justice of the Supreme Court, C. C. "Bo" Torbert, will be delivered in Joint Session, and further moved that the Senate remain in recess until 1 o'clock P.M., which motion was adopted.

JOINT SESSION

At 11 o'clock A.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of The Honorable C. C. "Bo" Torbert.

The Session was called to order by Lieutenant Governor McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Chief Justice Torbert was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, at 1 o'clock P.M., in accordance with motion heretofore adopted, the Senate reassembled in its Chamber and was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 247. NOTING WITH COMMENDATION THE ESTABLISHMENT OF THE ED AND CHARLOTTE RODGERS SCHOLARSHIP FUND BY THE ALABAMA ROAD BUILDERS' ASSOCIATION.

WHEREAS, it is with great pleasure and approval that the Legislature of Alabama notes the establishment of the Ed and Charlotte Rodgers Scholarship Fund by the Alabama Road Builders' Association, a tribute to the Rodgers' many and outstanding contributions to the association and to the road-building industry; and

WHEREAS, residents of Alabama since 1927, following his attendance at the University of Tennessee's School of Civil Engineering, Ed and Charlotte Rodgers have evidenced their consuming interest in the welfare of our state through years of time and energy devoted to an industry so vital to the economical prosperity and progress of Alabama; and

WHEREAS, following service for some 15 years as the Baldwin County Engineer, Ed Rodgers was named in 1945 Director of the Alabama Highway Department by Governor Chauncey Sparks; he was later to serve a second time, in 1962, under Governor George Wallace; and

WHEREAS, from 1947 until 1962, he was engineer-manager of the Alabama Road Builders' Association and it was under his leadership that this organization was recognized and incorporated; in 1964, Ed Rodgers returned to the Association in a consultant's capacity, remaining until his retirement in 1972; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Ed and Charlotte Rodgers for outstanding service as deeply involved supporters of the Alabama Road Builders' Association and of the road building industry in our state.

BE IT FURTHER RESOLVED, That we unanimously concur with the establishment of the Ed and Charlotte Rodgers Scholarship Fund by the Alabama Road Builders' Association as a fitting and well-deserved tribute to the Rodgers' service and sacrifice in the interest of the Association and its industry.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. and Mrs. Rodgers in token of our appreciation and in praise.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 247, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTIONS IN WRITING

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 461, on page 74 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 461, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Figures offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 357, on page 32 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 357, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. White offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 194, on page 36 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 194, referred to the Standing Committee on Rules for placement on the Consent Calendar.

COMMITTEE REPORTS FILED

Pursuant to the provisions of H. J. R. 37 (Act No. 79-64), the report of the Joint Committee to Study the Availability of Additional Legislative Office Space was read and ordered filed with the Secretary.

Pursuant to the provisions of H. J. R. 51 (Act No. 79-71), the report of the Joint Committee to Study the Feasibility of Constructing or Acquiring Permanent Legislative Office Space was read and ordered filed with the Secretary.

MOTIONS IN WRITING

Mr. Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 402, on page 71 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 402, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 180, on page 36 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 180, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 121. REJECTING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION TO THE 1979 SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama is of the opinion that the majority of our citizens are opposed to any increase in salaries paid to judges in Alabama; and

WHEREAS, the recommendations of the Judicial Compensation Study Commission exceed federal guidelines regarding salary increases; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby reject the recommendations of the State Judicial Compensation Commission to the 1979 Session of the Alabama Legislature.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 244. URGING IMMEDIATE TRIAL AND SWIFT PUNISHMENT OF THOSE RESPONSIBLE FOR THE BRUTAL AND SAVAGE ATTACK UPON A YOUNG MONTGOMERY WOMAN ON JUNE 23, 1979.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

LOCAL BILLS ON THIRD READING

The Bill:

H. 786. To repeal Act No. 437, H. 886, approved November 13, 1959, Regular Session 1959 (Acts 1959, p. 1125), entitled "An Act To abolish the jury board of Covington County and to create in lieu thereof a commission

composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder."

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
Figures	Kirkland		

—25

Nays:

—0

CONSENT CALENDAR

The Bill:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Barron	Harrison	Miller	Taylor
Clemon	Higginbotham	Parsons	Teague
deGraffenried	Holmes	Pearson	Vacca
Denton	Keener	Proctor	Weeks
Figures	Kirkland	Robertson	White
Gulledge	Lemaster		

—25

Nays:

—0

The Bill:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Figures	Keener	St. John
Barron	Gulledge	Kirkland	Smith
Britnell	Hall	Little	Taylor
Clemon	Harrison	McDonald	Vacca
deGraffenried	Higginbotham	Pearson	White
Denton	Holmes	Robertson	
			—22

Nays: —0

The Bill:

S. 399. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 5.

Yeas:

Messrs.:	Figures	Holmes	Proctor
Bailey	Goodwin	Keener	Robertson
Barron	Gulledge	Kirkland	St. John
Britnell	Hall	Martin	Vacca
Clemon	Harrison	Parsons	Weeks
deGraffenried			
			—20

Nays:

Messrs.:	Little	Taylor	White
Higginbotham	Smith		
			—5

The Bill:

H. 240. To amend section 25-5-50, Code of Alabama 1975, which relates to the applicability of the state workmen's compensation program, so as to allow employers to participate in said program.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Britnell	Goodwin	Harrison
Bailey	Cook	Gulledge	Higginbotham
Barron	deGraffenried	Hall	Holmes

Keener	McDonald	Proctor	Taylor	
Kirkland	Miller	Robertson	Vacca	
Lemaster	Parsons	St. John	Weeks	
Little	Pearson	Smith	White	
Martin				—28
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 247. NOTING WITH COMMENDATION THE ESTABLISHMENT OF THE ED AND CHARLOTTE RODGERS SCHOLARSHIP FUND BY THE ALABAMA ROAD BUILDERS' ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MOTIONS IN WRITING

Mr. St. John offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 17, on page 39 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 17, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 388, on page 51 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 388, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

Mr. Pearson offered the following amendment to the Bill, S. B. 389, to-wit:

AMENDMENT TO S. B. 389

Amend Senate Bill No. 389 Page 1, by striking out the words general fund wherever it appears and

Mr. Little offered the following substitute amendment for the Pearson amendment to the Bill, S. B. 389, to-wit:

SUBSTITUTE AMENDMENT FOR
PEARSON AMENDMENT TO S. B. 389

Amend Senate Bill No. 389 Page 1 Line 30, by striking out after the word "Fund" the words in the remaining part of the sentence and inserting a period "." after the word "fund" on line 30.

Which was adopted.

And said Pearson amendment, as thus amended by the Little amendment to the Bill, S. B. 389, was then adopted by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Hall	McDonald	Smith
Barron	Harrison	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Clemon	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures			—28

Nays: —0

And said Bill S. B. 389, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Holmes	Miller	Teague
Callahan	Keener	Mitchem	Vacca
Clemon	Kirkland	Pearson	Weeks
deGraffenried	Lemaster	Proctor	White
Denton			—28

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 240. To amend section 25-5-50, Code of Alabama 1975, which relates to the applicability of the state workmen's compensation program, so as to allow employers to participate in said program.

Also:

H. 786. To repeal Act No. 437, H. 886, approved November 13, 1959, Regular Session 1959 (Acts 1959, p. 1125), entitled "An Act To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 96. ESTABLISHING A JOINT LEGISLATIVE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE RISING PRICE OF GASOLINE AND OTHER MOTOR FUELS IN ALABAMA.

Also:

S. J. R. 116. NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 242. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE
HOUSE BILL 242

We, the Committee on Conferees appointed to reconcile the difference between the two Houses concerning House Bill 242, have met, considered the matter, and agreed to the following:

Senate Amendment No. 4 by Mr. Pearson to be deleted in its entirety.

Attached Conference Committee Amendment to be adopted.

ROBERT C. (BOB) GAFFORD,
PRESTON "MANN," MINUS, JR.,

JAMES G. SASSER,
Conferees of the House.

DEWEY WHITE, JR.,

JOHN A. TEAGUE,

J. RICHMOND PEARSON,
Conferees of the Senate.

CONFERENCE COMMITTEE AMENDMENT TO HB 242

Amend HB 242 as follows:

On pages 14 and 15, delete all of subsections (a), (b), (c), and (d) and insert in lieu thereof the following:

"With respect to any insurance written in connection with any credit transaction under this Chapter, the creditor shall be subject to the same restrictions, prohibitions, powers, and allowances as any creditor bank, retail establishment, sales finance company, licensee, or any other creditor under Section 5-19-20 of the Code of Alabama 1975 (Mini-Code); and shall be subject to the same rates and regulations promulgated pursuant to that section. In no case shall the insurance with respect to any credit transaction exceed the amount and term of the credit."

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Mr. White moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 242, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Bailey moved that consideration of the motion to concur in the Conference Report on the Bill, H. B. 242, be postponed until the next Legislative Day.

On motion of Mr. White, the motion to postpone was laid on the table.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Gulledge	Martin	Taylor
Britnell	Harrison	Mitchem	Teague
Callahan	Higginbotham	Proctor	Vacca
Denton	Keener	St. John	Weeks
Goodwin	Kirkland	Smith	White

—19

Nays:

Messrs.:	Clemon	Hall	Miller
Bailey	deGraffenried	Holmes	Pearson
Barron	Figures	Little	

—10

MOTIONS IN WRITING

Mr. Taylor offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 303, on page 72 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 303, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Miller offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 620, on page 72 of the 22nd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 620, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 122. DECLARING THOSE INDIVIDUALS AND GROUPS THAT ARE DUE TO RECEIVE SPECIAL PRIVILEGES AND STATUS AS "MINORITIES".

WHEREAS, the U. S. Supreme Court in the newly decided case of Brian F. Webber vs Kaiser Aluminum and Chemical Company has ruled that "employers voluntarily may give minority workers special treatment in hiring, training and promotion"; and

WHEREAS, we know of no law or court decision that has defined just exactly what constitutes a "minority group or individual" such as will entitle them to receive all the wondrous special rights and privileges; and

WHEREAS, the Alabama Legislature feels it is their duty to remedy this grievous oversight and give meaning to these terms so that the rightful recipients shall immediately receive their benefits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do hereby define the terms "minority groups" or minority individuals" to apply to, but not be limited to, all of the following groups and individuals, viz: Black People, Brown People, Tan People, Charcoal People, Yellow People, Red People, Burnt Umber People, Grey People, White People, Mixed People, (to the 1/64th degree of mixture), married people, single people, people who ain't so sure, legitimate people, socially economically deprived people, people who are over burdened with taxes, gay people, feminine people, macho people, unisexed people, fat people, under weight people, Jews, Polish, Mexicans, French, French-Canadians, Japanese, Chinese, Cubans, Greeks, Cajuns, Russians, Italians, Irish, Scotch, English, Scandinavians, all Oriental of every kind whatsoever and any combination or mixture thereof whatsoever to the 1/320th degree of mixture, doctors, lawyers, architects, engineers, teachers, carpenters, truck drivers, taxi drivers, farmers, production line workers, housewives, whittlers, courthouse loafers, dignified alcoholics, plain old winos, Baptist, Catholics, Mormons, Mennonites, Methodists, Moslems, Hindus, Judaism, Hare Krishna, Moonies, Nazarenes, Church of Christ, Presbyterians, Jehovah's Witnesses, Episcopalians, Christian Scientist, members of the KKK, NAACP, Black Panthers, Grey Panthers, K. of C., Masons, Elks, Moose and Auburn Alumni Association members.

BE IT FURTHER RESOLVED, That any minority individual or minority group that can prove that he or it, ever was or is a minority group or individual and ever was, or is discriminated against, mistreated or put-upon in any manner or way, by any means, by anybody, shall be entitled to use the title of "MINORITY" with all rights and privileges thereto appertaining, for ever and ever.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF CONFERENCE REPORT ON H. B. 242

The Senate proceeded to further consideration of the Conference Report on the Bill, H. B. 242. The question was on the motion of Mr. White that the Senate concur in said Conference Report.

Mr. Bailey moved that the Conference Report on the Bill, H. B. 242, be laid on the table, which motion was lost.

Yeas 14; Nays 17.

Yeas:

Messrs.:	deGraffenried	Holmes	Pearson	
Bailey	Denton	Kirkland	Proctor	
Barron	Figures	Little	Robertson	
Clemon	Hall	Miller		—14

Nays:

Messrs.:	Harrison	McDonald	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Callahan	Keener	St. John	Weeks	
Goodwin	Lemaster	Taylor	White	
Gulledge	Martin			—17

Mr. Little offered the following Motion in Writing, to-wit:

I move to carry over the conference committee report for 2 legislative days.

On motion of Mr. White, said Motion in Writing was laid on the table.

Mr. Little then offered the following Motion in Writing, to-wit:

I move to carry the conference committee report over for one (1) legislative day.

On motion of Mr. White, said Motion in Writing was laid on the table.

Mr. Little then offered the following Motion in Writing, to-wit:

I move to non-concur and request that a new conference committee be appointed.

On motion of Mr. White, said Motion in Writing was laid on the table.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Harrison	McDonald	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Callahan	Keener	St. John	Weeks	
Goodwin	Lemaster	Taylor	White	
Gulledge	Martin			—17

Nays:

Messrs.:	deGraffenried	Holmes	Parsons	
Bailey	Denton	Kirkland	Pearson	
Barron	Figures	Little	Proctor	
Clemon	Hall	Miller	Robertson	
				—15

Mr. Little then offered the following Motion in Writing, to-wit:

I move to carry over three (3) legislative days the conference committee report.

On motion of Mr. White, said Motion in Writing was laid on the table.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Harrison	McDonald	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Callahan	Keener	St. John	Weeks	
Goodwin	Lemaster	Taylor	White	
Gulledge	Martin			—17

Nays:

Messrs.:	deGraffenried	Holmes	Pearson	
Bailey	Denton	Kirkland	Proctor	
Barron	Figures	Little	Robertson	
Clemon	Hall	Miller		—14

The question recurred on the motion of Mr. White that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 242, and said motion was then adopted by the Senate.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Harrison	McDonald	Teague
Britnell	Higginbotham	Mitchem	Vacca
Callahan	Keener	St. John	Weeks
Goodwin	Lemaster	Taylor	White
Gulledge	Martin		

—17

Nays:

Messrs.:	deGraffenried	Holmes	Parsons
Bailey	Denton	Kirkland	Pearson
Barron	Figures	Little	Proctor
Clemon	Hall	Miller	Robertson

—15

Mr. White then moved that the Senate reconsider the vote by which the Conference Report on the Bill, H. B. 242, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 123. COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE

WHEREAS, the Sumter County Rural Development Committee was judged best in the state for its work in 1974; and

WHEREAS, in 1975, the United States Department of Agriculture—in a move not done previously or since—picked one county as the best in the nation in Rural Development work, Sumter was that county; and

WHEREAS, the Committee has assisted in getting financial help for rural development for Sumter County, has continuously supported the Tennessee-Tombigbee Project, promotes a Keep America Beautiful program called Cleaner Sumter County and has shown an outstanding commitment to working with a great variety of government agencies at all levels, educational institutions, private groups, and citizens at large; and

WHEREAS, at a Rural Development awards luncheon in Montgomery, Alabama, Governor Fob James presented the top award to Percy Nixon, outgoing chairman of Sumter County's Rural Development Committee for being the Number One County in the state in Rural Development for 1978.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That: The Legislature of the State of Alabama on behalf of all the people of this State wholeheartedly congratulate the members of the Sumter County Rural Development Committee for their dedication and hard work.

NOW BE IT FURTHER RESOLVED, That: A copy of this Resolution be sent to the Chairman of the Sumter County Rural Development Committee.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate then proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 369. To amend Code of Alabama, 1975, § 5-9-40 through § 5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that general, local or local laws of general application to the contrary notwithstanding any bank a party to a merger, conversion or consolidation may, regardless of the county of location of the principal office of such bank, and, regardless of whether the bank surviving such merger, conversion or consolidation is a national bank or a state banking corporation, continue to maintain and operate all banking offices maintained and operated at the time of said merger, conversion or consolidation and with appropriate regulatory approval, establish additional banking offices in counties where banking offices are maintained at the time of the merger, conversion or consolidation to the extent permitted to banks having their principal or other banking office in such county, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

as amended by the substitute, which said substitute is set out in the Journal of the Senate for the Twenty-First Legislative Day.

Mr. Kirkland offered the following amendment to the Bill, S. B. 369, as amended, to-wit:

AMENDMENT TO S. B. 369, AS AMENDED

Amend Senate Bill 369, as amended, Page 2 Line 27, by striking out after the word "may", the remainder of line 27 and on line 28 by striking the words "state authority but" and inserting in lieu thereof the following:

"with the approval of the state superintendant of banks and"

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 20; Nays 11.

Yeas:

Messrs.:	deGraffenried	Harrison	Parsons
Bailey	Denton	Higginbotham	Pearson
Barron	Goodwin	Martin	Robertson
Britnell	Gulledge	McDonald	Vacca
Callahan	Hall	Mitchem	White
Clemon			

—20

Nays:

Messrs.:	Kirkland	Miller	Taylor
Holmes	Lemaster	Proctor	Teague
Keener	Little	St. John	Weeks

—11

Mr. Kirkland then offered the following amendment to the Bill, S. B. 369, as amended, to-wit:

AMENDMENT TO S. B. 369, AS AMENDED

Amend Senate Bill No. 369, as amended, Page 7.

Line 17, by striking out

Sub-section (b) in its entirety and inserting in lieu thereof the following:

(b) This Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish any additional banking offices and provided further that this act specifically prohibits the establishment of any additional banking offices by said bank or banks surviving or resulting from a reorganization. It is the intent of this subsection to specifically prohibit state-wide branch banking by National Banks on Bank holding companies or any banking corporation or trust company not now authorized to do so by prior statute of this State.

And said amendment was then lost.

Yeas 9; Nays 21.

Yeas:

Messrs.:	Lemaster	St. John	Teague
Keener	Miller	Taylor	Weeks
Kirkland	Proctor		

—9

Nays:

Messrs.:	deGraffenried	Holmes	Parsons
Bailey	Denton	Little	Pearson
Barron	Goodwin	Martin	Robertson
Britnell	Hall	McDonald	Vacca
Callahan	Harrison	Mitchem	White
Clemon	Higginbotham		

—21

And said Bill, S. B. 369, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 11.

Yeas:

Messrs.:	Clemon	Harrison	Parsons
Bailey	deGraffenried	Higginbotham	Pearson
Barron	Denton	Holmes	Robertson
Britnell	Goodwin	Martin	Vacca
Callahan	Hall	McDonald	White

—19

Nays:

Messrs.:	Lemaster	Mitchem	Taylor
Keener	Little	Proctor	Teague
Kirkland	Miller	St. John	Weeks

—11

Mr. Callahan moved that the Senate reconsider the vote by which the Bill, S. B. 369, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

ADJOURNMENT

The hour of 12 o'clock Midnight having arrived, in accordance with Joint Resolution heretofore adopted, the Senate ajdourned until Monday, July 2, 1979, at 12 o'clock Noon.

TWENTY-THIRD LEGISLATIVE DAY

MONDAY, JULY 2, 1979

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Senate was opened with prayer by the Reverend Charles Adams, Curate, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon and Glass for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 527. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Miller:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

Committee on Finance and Taxation.

By Mr. Martin:

S. 578. To amend Section 15-10-14, Code of Alabama 1975, relating to detention of persons suspected of larceny of goods held for sale so as to allow merchants to use reasonable force and to further define merchants' liability.

Committee on Judiciary.

By Mr. Harrison (with notice and proof):

S. 579. Relating to Montgomery County; providing that in addition to all presently existing pistol permit fees, there is hereby levied an additional pistol permit issuance fee in the amount of \$5.00; providing that \$3.00 of said additional fee be paid into the county treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; providing for the use of said "Sheriff's Fund"; providing that \$1.00 of the additional fee collected shall be credited to the county's portion of

contribution for Class II employees, under any retirement plan in effect in said county; the remaining \$1.00 of the additional fee collected shall be credited to the general fund of the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 579, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Kirkland and Teague:

S. 580. To further provide for a fuel adjustment clause for motor fuels on contracts between the State Highway Department and private contractors.

Committee on Finance and Taxation.

By Mr. Barron:

S. 581. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

Committee on Finance and Taxation.

By Mr. Little:

S. 582. To establish a program authorizing subsidies to make it possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

Committee on Finance and Taxation.

By Mr. St. John (with notice and proof):

S. 583. Providing an expense allowance for the chairman and members of the Winston County Commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 583, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 584. Relating to Winston County; to provide for the disposition of proceeds of any coal and lignite severance tax distributed to the county by the state; to repeal Act Number 75, H. 50, 1978 Second Special Session, (Acts 1978, p. 1764).

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 584, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Harrison (with notice and proof):

S. 585. Relating to Elmore County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Millbrook in Elmore County, Alabama and to set the limits of the police jurisdiction.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 585, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Denton and Britnell:

S. 586. Relating to the 31st judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the 31st judicial circuit, and to provide the means and manner for the payment of same.

Committee on Local Legislation No. 1.

By Mr. Holmes:

S. 587. To amend Sections 11-54-80 and 11-54-87 of Article 4 of Chapter 54 of Title 11 of the Code of Alabama 1975 (which relates to industrial development boards), so as to expand the definition of projects that may be financed under said article to include industrial parks, and so as to provide certain limitations on the sale or lease of such industrial park projects.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Mitchem:

S. 588. To amend Section 7-2-316 of the Code of Alabama of 1975 relating to exclusion or modification of warranties so as to provide that with respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, when sold by a livestock auction market, there shall be no implied warranty by such a market that the animals are free from diseases.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem, deGraffenried, Britnell, Denton, Proctor, Martin, Lemaster, Little, Taylor, Goodwin, Miller, Parsons, Hall and Cook:

S. 589. To make a supplemental appropriation to certain cities and counties in order to compensate said cities and counties for the housing, maintenance and medical support of state prisoners.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 590. To amend Section 25-4-5, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-70, Section 25-4-74, Section 25-4-78, Section 25-4-91, Section 25-4-113, Section 25-4-118, Section 25-4-134, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to include back

pay awards in the definition of wages, distribute over the period covered by the award and to describe the effect on the receipt of benefits; to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for succession of and by governmental entities, designate liability for resulting benefit costs and recovery of such costs for an abolished state agency; to provide a minimum advance payment rate for governmental employer and the procedure for appealing and assigned rate; to clarify the denial of benefit provisions for certain educational employees; to provide for the reduction of benefits by the amount of pensions or retirement pay as required by federal law to become effective after March 31, 1980; to permit reconsideration of claims after the end of a benefit year in case of false or misrepresented facts and procedures for appeal of such reconsideration; to provide employees immunity from civil suits for acts performed in their individual official capacity except for wanton or malicious conduct; to permit disclosure of information to public officials in performance of official duties; to correct a reorganization of procedures relating to collection of delinquent contributions made during compilation of the 1975 Code; to remove requirement for individual to testify even if testimony might be self-incriminating and to establish procedures for collection of overpayment of benefits.

Committee on Business and Labor Relations.

By Mr. Callahan:

S. 591. To amend Act 534 of the Regular Session of 1976, being codified as Chapter 7 of Title 9 of the Code of Alabama of 1975 as amended, said Act 534 and said Chapter 7 of Title 9 of said Code relating to the Preservation and Development of Coastal Areas.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Keener (with notice and proof):

S. 592. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 592, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Pearson, Little, White, Callahan, Smith, Proctor, Robertson, Holmes, Figures, Gullledge, Kirkland, McDonald, and Denton:

S. 593. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

Committee on Finance and Taxation.

By Messrs. Pearson, Gullledge, Kirkland, Proctor, Holmes, Denton, and Britnell:

S. 594. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the

elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

Committee on Finance and Taxation.

By Messrs. Kirkland and Callahan:

S. 595. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 242. To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MOTIONS IN WRITING

Mr. Weeks offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 419, on page 89 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 419, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 256, on page 10 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 256, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 75, on page 90 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 75, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 282, on page 99 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 282, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 521. To create the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

By Mr. White:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

By Mr. White:

S. 573. To place a ceiling on the number of eligible persons to whom the Medical Services Administration may pay benefits.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague (With Amendment):

S. 86. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts shall include reimbursement for services rendered by a duly qualified certified social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 382. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with notice and proof):

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

By Mr. Weeks (with notice and proof):

S. 576. Relating to Bullock County; to provide for the employment of clerks, secretaries and clerical assistants to perform duties in the County offices located in the County Courthouse and to provide for the employment of jailers for the county jail; and to provide for the salaries of all such employees.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (with notice and proof) (With Substitute):

S. 569. Relating to Monroe County; providing for an increase in the compensation of the members of the board of equalization, and further providing for an additional travel allowance for the board; providing that this Act shall become effective October 1, 1979.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Martin, Denton, Figures, Cook, and Vacca:

S. 405. To amend Section 17-6-13 of the Alabama Code of 1975 to provide for a continuous system of compensation for election officials.

Mr. deGraffenried, Vice-Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland and Proctor:

S. 424. Altering the report of the judicial compensation commission to the 1979 Regular Session of the Legislature and providing further for the compensation of circuit and district judges.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (Roy) (with notice and proof):

H. 238. Relating to Tuscaloosa County; to provide for the imposing, levying and collecting of an additional tax of four percent on the charge for lodging, room and personal property rental, services and accommodations furnished to transient occupants for a consideration by any hotel, motel, inn, tourist camp or tourist cabin in Tuscaloosa County; and to prescribe penalties for violations.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Mr. Higginbotham:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

By Messrs. deGraffenried, St. John, Clemon, Keener, Proctor, Kirkland, and Parsons (With Substitute) (With Amendments):

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

By Reps. Pegues, Dial, Sasser, McKee and Naramore:

H. 66. To amend Section 9-17-24 of the Code of Alabama 1975, so as to provide for the deposit of the oil and gas well permit fees into the state general fund; to provide for the transfer of all funds in the state treasury to the credit of the oil and gas fund to the credit of the general fund; and to provide for the abolition of the oil and gas fund.

By Rep. Pegues:

H. 67. To abolish the Board of Corrections and transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the penal and correctional institutions of this state; to provide that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; to repeal conflicting laws and specific statutes pertaining to the board of corrections, and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Code of Alabama 1975, **as amended, which conflict with or are inconsistent with any provision of this Act.**

By Reps. Carothers, Hines, Gafford and Williams:

H. 135. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than \$5.00 nor more than \$50.00; amends Sections 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$50.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$10.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$25.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00, by increasing the annual registration certificate fee to an amount not less than \$10.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$5.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$25.00 nor more than \$150.00.

By Messrs. Lemaster, Martin, and Denton:

S. 230. To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

LOCAL BILLS ON THIRD READING

The Bill:

S. 553. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County.
was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

S. 539. Relating to Limestone County; to provide further for the compensation of the members of the county board of equalization by authorizing the Limestone County commission to provide certain county salary supplements for such members.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 460. To provide Solicitor Counsels for the 35th Judicial Circuit; to provide the conditions under which a County Solicitor or District Attorney of

the 35th Judicial Circuit may become a Solicitor Counsel; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from such office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

Nays:

—0

The Bill:

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

was taken up.

Mr. McDonald offered the following substitute for the Bill, S. B. 564, to-wit:

SUBSTITUTE FOR S. B. 564

A BILL TO BE ENTITLED AN ACT

Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

(A) The first \$40,000 paid, as Madison County's total share, shall be paid to the Madison County Commission for the purposes of establishing and maintaining a legislative delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at

the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

(B) The remaining money after the \$40,000 set out in Section 1 (A) has been subtracted shall be prorated in the following manner:

1. 70% of said remaining money shall be paid to the City of Huntsville. Said payment shall be distributed in the following manner:

(a) 65% to the city school system to be paid by the city governing body directly to the school system.

(b) 35% to the city general fund.

2. 29.5% of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

(a) 65% to the county school system to be paid by the county governing body directly to the school system.

(b) 35% to the county general fund.

3. .5% of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

(a) 65% to the county school system to be paid by the municipal governing body directly to the school system.

(b) 35% to the municipal general fund.

Section 2. The distribution of money as provided by this act shall be continuing and shall remain in effect until altered by general or local law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson
Bailey	Goodwin	McDonald	Smith
Barron	Gulledge	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Lemaster		

—25

Nays:

—0

And said Bill, S. B. 564, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson	
Bailey	Goodwin	McDonald	Smith	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

Nays: —0

RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 124. COMMENDING THE WEST HIGHLANDS McNEIL
VOLUNTEER FIRE DEPARTMENT.

Which was adopted.

MOTIONS IN WRITING

Mr. Hall offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 473, on page 78 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 473, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 248, on page 50 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 248, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 703. Relating to selling and redeeming lands for taxes in DeKalb County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	Goodwin	Keener
Bailey	Cook	Gulledge	Lemaster
Barron	Denton	Hall	Little
Britnell	Figures	Holmes	Martin

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Mitchem	St. John	Teague	Weeks	
Pearson	Smith	Vacca	White	
Proctor	Taylor			—25

Nays: —0

The Bill:

H. 704. Relating to DeKalb County; providing for the compensation of the tax assessor and tax collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

H. 754. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 761. Relating to Jackson County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	Smith
Bailey	Goodwin	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 762. Relating to Jackson County; to authorize the coroner to appoint a deputy coroner, and to provide for the compensation of such deputy coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Lemaster	Proctor	White
Denton	Little		

—25

Nays:

—0

The Bill:

S. 548. To amend Act No. 210 of the Regular Session of the Legislature of Alabama of 1975 (Ala. Acts, 1975, pp. 482 and 483) authorizing the governing body of any county of this State having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county four administrative assistants to the said governing body to serve at the pleasure of the governing body.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

H. 257. To amend Section 4 of ARTICLE VIII of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, pp. 1579-1599), herein called "Act 929," which said Act 929 established for every city of the State of Alabama having a population of Two Hundred Fifty Thousand (250,000) or more, according to the last or any succeeding federal census, a pension and relief system for officers and employees of such city, and which said Act 929 was amended by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973, pp. 2124-2155).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

S. 448. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 448, to-wit:

COMMITTEE AMENDMENT TO S. B. 448

Amend S. B. 448 on page 1, line 16, by striking the words and punctuation "May 1, 1977" and inserting in lieu thereof the following:

September 1, 1979

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Bailey	Harrison	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Callahan	Keener	Parsons	Vacca
Cook	Kirkland	Pearson	Weeks
deGraffenried	Little	Proctor	White
Figures	Martin		

—25

Nays:

—0

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23rd Day

And said Bill, S. B. 448, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Harrison	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
deGraffenried	Little	Proctor	White	
Figures	Martin			—25

Nays: —0

RESOLUTION

Messrs. Miller, Smith, McDonald, and Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 125. HONORING MISS RENE' HAMILTON OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with great pride and pleased accord that the Legislature of Alabama congratulates Miss Rene' Hamilton of Huntsville, Alabama, who currently reigns as "Miss Alabama-World" and, as such, will represent our state in the "Miss World America" Pageant in September; and

WHEREAS, presently attending Calhoun State Community College, Miss Hamilton will attend Auburn University in the Fall to pursue a major in fashion merchandising, a field in which she already participates as a model for Sears Roebuck and Company for the past seven years and as a student teacher for the modeling school for three years; and

WHEREAS, she is a former student at Lee High School in Huntsville where she was selected as an Outstanding Senior and Senior Class Favorite from a class of some 250 students; she also has taught poise and grace classes for which she is exceptionally qualified as evidenced by her own attributes of beauty, charm and grace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Rene' Hamilton of Huntsville, as the reigning "Miss Alabama-World" and also for her many outstanding accomplishments as a student and in the field of fashion.

BE IT FURTHER RESOLVED, That she receive a copy of this resolution that she may know of our praise and of our warm best wishes for every future success.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 182, on page 90 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 182, referred to the Standing Committee on Rules for placement on the Consent Calendar.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 692. To provide that persons now residing in nursing homes and permanently disabled persons confined to home in Mobile County may register to vote by mail.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 692, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 692

Amend H. B. 692 on page 2 immediately following line 11 by inserting the following new Section 2:

"Any individual who registers to vote, or causes an individual to register to vote, under the provisions of this Act who is not permanently disabled or currently residing in a nursing or convalescent home shall be guilty of a misdemeanor."

Renumber the remaining sections in proper numerical sequence.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Smith
Bailey	Holmes	Miller	Taylor
Barron	Keener	Mitchem	Teague
Callahan	Kirkland	Parsons	Vacca
Cook	Lemaster	Pearson	Weeks
Figures	Little	Proctor	White
Gulledge	Martin		

—25

Nays:

—0

MOTIONS IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 8, on page 90 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 8, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Martin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 304, on page 101 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 304, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Mrssrs. Holmes and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 126. DESIGNATING THE WEEK OF OCTOBER 8, 1979, AS "CALHOUN COUNTY INDUSTRY WEEK."

WHEREAS, it is the desire of the Legislature of Alabama to recognize the many and outstanding contributions that the industries of Calhoun County have made to the economy and citizenry of both the County of Calhoun and of the entire State of Alabama; and

WHEREAS, it is with enthusiastic endorsement that we further note the "Industry on Parade" Exhibition sponsored by the Calhoun County Chamber of Commerce which will be held on October 10, 1979, at the Quintard Mall in Oxford; and

WHEREAS, the Exhibition will feature 58 participating manufacturing industries joining the Chamber of Commerce in their efforts in maintaining a high level of interest in and enthusiasm by the citizens of the county as well as by industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation and in praise, we hereby designate the week of October 8, 1979, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce as evidence of our enthusiastic endorsement of their "Industry on Parade."

On motion of Mr. Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

S. 446. To amend Act No. 126, H. 58, 1971 Regular Session (1971 Acts, P. 208) entitled "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit," so as to further provide for the distribution of such taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith
Bailey	Keener	Mitchem	Taylor
Barron	Kirkland	Parsons	Teague
Callahan	Lemaster	Pearson	Vacca
Cook	Little	Proctor	Weeks
Figures	Martin	St. John	White
Gulledge	McDonald		

—25

Nays: —0

The Bill:

S. 522. Relating to Mobile County; the purpose of this bill is to provide a supplement to the salaries of Register of the Circuit Court and the District Court Clerk of the Thirteenth Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith
Bailey	Keener	Mitchem	Taylor
Barron	Kirkland	Parsons	Teague
Callahan	Lemaster	Pearson	Vacca
Cook	Little	Proctor	Weeks
Figures	Martin	St. John	White
Gulledge	McDonald		

—25

Nays: —0

The Bill:

H. 613. Relating to Mobile County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith
Bailey	Keener	Mitchem	Taylor
Barron	Kirkland	Parsons	Teague
Callahan	Lemaster	Pearson	Vacca
Cook	Little	Proctor	Weeks
Figures	Martin	St. John	White
Gulledge	McDonald		

—25

Nays: —0

The Bill:

H. 690. To authorize the Mobile County Commission to grant a county salary supplement to the Circuit Clerk of the 13th Judicial Circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith	
Bailey	Keener	Mitchem	Taylor	
Barron	Kirkland	Parsons	Teague	
Callahan	Lemaster	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Gulledge	McDonald			—25

Nays: —0

RESOLUTION

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 127. COMMENDING MR. W. H. GREGORY UPON HIS RETIREMENT AS ASSISTANT DIRECTOR, DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

Which was adopted.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 691. To amend and revise Act No. 87, No. 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County, (Acts 1955, Vol 1, page 335,) as last amended by an Act approved May 11, 1977, (Acts 1977 Vol 1, page 605).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith	
Bailey	Keener	Mitchem	Taylor	
Barron	Kirkland	Parsons	Teague	
Callahan	Lemaster	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Gulledge	McDonald			—25

Nays: —0

MOTION IN WRITING

Mr. Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 203, on page 96 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 203, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Messrs. White and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 128. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of five members of the House and three members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 129. RESOLVED BY THE SENATE That the following business in the order named be special and paramount order of business upon reaching bills on 3rd reading for the 23rd Legislative Day:

Bill No.	Page No.	Description
S. B. 550	111	Trucks, Max length
H. B. 52	50	New Institution Health Services
S. B. 187	23	Auth. for out-of-state travel
S. B. 349	58	Political donations
S. B. 559	84	Controlled subst. Therapeutic Res. Act
S. B. 557	90	Sexual abuse in the 1st degree
S. B. 50	30	AL Admn. Proc. Act
H. B. 225	66	Motor vehicle licenses
H. B. 65	45	Seeds: Comp. Inv. Com. est.
S. B. 136	26	Temp. m.v. lic. tags
S. B. 166	24	Forestry Comm. prepaid travel exp.
S. B. 109	75	Stat. of lim. act. against man. def. goods
S. B. 210	75	Liab. def. defect. prod.
S. B. 537	81	CA: promotion of ag. products
S. B. 169	64	Curator of prop. of phys or ment. def.
S. B. 289	22	Fin. Dir., transfer of cert. state assets ins.
S. B. 482	65	Grand Jury proceedings
S. B. 283	36	Bd. of examiners in counseling
S. B. 32	11	Invest. of ins. co. in cert. mort. loans
S. B. 219	21	Eradication of swine disease, approp.
S. B. 77	34	Leg. emp., sup. & sec., no. inc.
S. B. 468	51	Comm. of civil actions, dates
S. B. 442	57	ERS, TRS, trans. of cert. funds
H. B. 455	69	Inc. hunting lic.
S. B. 178	23	Forest law enf. off. auth.
S. B. 193	53	Chief Exam. of pub. acct. & asst.
S. B. 368	35	School bldg. const. retainage
S. B. 245	9	St. Forestry Comm., LEO, certain powers
S. B. 27	4	Trucks w/cert. rd. bldg. mat. exempt. from PSC reg.
S. B. 190	37	Cleburne, cap. outlay cond., approp.
S. B. 354	42	Fire fighters' pers. stand & ed. comm.
S. B. 20	2	Reg. of sale of cert. sch. courses
S. B. 358	48	St. Bd. of Social Work Exam. prop.

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S. B. 338	27	Oil redefined
S. B. 150	32	Cert. of probate jud., min. sal.
S. B. 87	46	Guaranteed min. st. wage, all law enf. off.

And said Resolution, S. R. 129, was adopted by the Senate.

RECESS

At 1:15 P.M., on motion of Mr. Denton, the Senate took a recess until 2:15 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes (A):

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 23. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Also:

By Rep. Owens:

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of

liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend § 28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to \$500.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 667. To the Committee on Judiciary.

H. B. 567. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 463. To provide that the City of Tuscaloosa shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the Corporate Limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

S. 462. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Also:

S. 413. To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Also:

S. 428. An Act altering, rearranging and extending the boundaries of the City of Pleasant Grove, Jefferson County, Alabama.

Also:

S. 440. Relating to Etowah County; providing for the compensation of the tax assessor.

Also:

S. 332. Relating to Baldwin County; to further provide for the liability of the sheriff for the acts of his deputies.

Also:

S. 326. Relating to the City of Florence; amending Section 1 of Act No. 260, H. 316 of the 1978 Regular Session (Acts 1978, Vol. 1, p. 235), so as to make the municipal tax exemption on certain annexed farm property mandatory rather than discretionary with the city commission.

Also:

S. 330. Relating to Baldwin County; providing for the compensation of the tax assessor and tax collector.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Moore and Smith (C):

H. 702. Relating to Shelby County, to repeal Act No. 700, H. 737, 1976 Regular Session (Acts of Alabama 1976, p. 967), which act provides for the rehabilitation of Shelby County prisoners through work-release and other programs.

Also:

By Rep. Patton (with notice and proof):

H. 724. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 724, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 801. To amend Section 6 of Act No. 608 approved by the Alabama Legislature on September 4, 1951, by increasing the amount of compensation to the Sheriff's attorney.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 801, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 782. Relating to Blount County; to provide an additional expense allowance of \$100.00 per month for the members of the county board of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 782, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 824. Relating to Shelby County; to amend Sections 3, 4, 5, 10, 11, 13 and 15 of Act No. 62, H. 213, First Special Session 1977, (Acts 1977, p. 1483), which relates to districts for fighting or preventing fires, so as to further provide for elections concerning such districts, trustees, interim trustees, and service charges and filling vacancies on the Board of Trustees; to prescribe the powers of the district; and to exempt districts created under the act from all taxes, including license and excise taxes, levied by the state, any county, municipality or other political subdivision of the state; and to exempt such districts from payment of certain charges to judges of probate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 824, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Manley, Clark, Pegues and Minus:

H. 825. To provide for the establishing of a Solicitor's and District Attorney's Fund in the seventeenth judicial circuit; to provide that all solicitor's and district attorney's fees taxed as costs and collected in all criminal cases in all courts in said circuit shall be paid by the clerks of said courts into the Solicitor's and District Attorney's Fund; and to authorize certain expenditures from said fund.

Also:

By Reps. Manley, Clark and Pegues:

H. 826. To provide for an expense allowance for the judge of the 17th judicial circuit to be paid by the counties comprising the circuit.

Also:

By Rep. McMillan (with notice and proof):

H. 827. Relating to Baldwin County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 827, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 830. Relating to Calhoun County; to repeal Act No. 610, Acts of Alabama, Regular Session 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 830, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 851. Relating to Morgan County; to amend Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), entitled, "An Act Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws," so as to further provide for the election of said members.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 851, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 702, 724, 801, 782, 824, 825, 826, 827, 830, and 851. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 852. Relating to Morgan County; to authorize the Morgan County Commission to furnish the coroner of said county an automobile for use in the performance of his official duties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 852, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 853. To amend Act No. 636, H. 977, 1978 Regular Session (Acts 1978, p. 901), entitled, "An Act To authorize certain expense allowances for the members of the board of education in Morgan County," so as to provide further for out-of-county expenses incurred by said members; and to ratify and confirm expenditures made in the county pursuant to Act No. 477, 1967 Regular Session or Act No. 656, 1969 Regular Session; and to provide that certain provisions hereof shall have retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 853, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Roberts, Cooley, Letson and Patton (with notice and proof):

H. 854. To amend Sections 1 and 2 of Act No. 727, H. 1051, Regular Session 1978 (Acts of 1978, p. 1052), entitled, "An Act Relating to Morgan County; to further provide for the salaries of employees of the sheriff's department and to provide for additional employees," so as to further provide for the salaries of employees of the sheriff's department and to provide for additional employees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 854, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Waggoner, Moore and Smith (C) (with notice and proof):

H. 857. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 857, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Waggoner, Moore and Smith (C) (with notice and proof):

H. 858. Relating to Shelby County; to require all polling places to remain open between the hours of 7:00 A.M. and 7:00 P.M. at all state and local elections held in the county; and to repeal Act No. 249, H. 873 of the 1975 Regular Session (Acts of Alabama 1975, p. 782) relating to the hours polling places remain open during elections.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 858, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Biddle, Trammell and Moore (with notice and proof):

H. 847. Relating to Jefferson County; to abolish the office of County Coroner and to provide that all duties, rights and powers authorized or performed by said officer shall be exercised and performed by the Jefferson County Coroner-Medical Examiners' office; to provide for the powers, rights, duties, compensation and composition of such office; to provide for the Jefferson County Coroner-Medical Examiners' Commission; to provide for the powers, rights, duties, composition and terms of office of the members of such commission; and to relieve the members of such commission and other persons from civil or criminal liability.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 847, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 852, 853, 854, 857, and 858. To the Committee on Local Legislation No. 1.

H. B. 847. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gafford, Cooley, Harvey, Manley, Clark, Campbell, Smith (J) and Amari:

H. 715. To amend Sections 501, 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 715. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Patton (with notice and proof):

H. 879. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 879, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 880. Relating to Morgan County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 880, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 889. Relating to Morgan County; to prescribe the method whereby a fee may be charged by the Judge of Probate for celebrating the rites of matrimony after normal courthouse hours and authorizing him to retain such fee for his personal use.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 889, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 890. Relating to Morgan County; to amend Act No. 806, H. 1228, Regular Session 1971, (Acts 1971, p. 1561), entitled "An Act Relating to Morgan County; fixing the fee for issuance of pistol permits by the Sheriff and providing for distribution and use of such fees," so as to provide further for such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 890, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 894. Relating to the management of the public records of Morgan County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Morgan County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Morgan County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 894, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 866. Relating to Bibb County; prescribing the meeting dates for the county governing body.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 866, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 867. Relating to Bibb County; to provide for an additional expense allowance to the chairman of the county governing body.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 867, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 868. Relating to Bibb County; to provide for an expense allowance for members of the county governing body, effective only upon the defeat at a Bibb County referendum election of a bi-unit road maintenance act for Bibb County passed at the 1979 Regular Session of the legislature.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 868, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 869. To amend Act No. 869, H. 1197, Regular Session 1969 (Acts 1969, p. 1579), which Act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 869, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 870. Relating to Bibb county; establishing a bi-unit road maintenance, repair and construction system; providing for two shop and storage yards; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and certain driveways under the county bi-unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; providing for compensation to be paid to county officers, employees and laborers; and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 870, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 871. Relating to Bibb County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the office of the Judge of Probate and in the office of the Sheriff of Bibb County; to provide for the salaries of all such employees; and to authorize the Bibb County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 871, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 895. Relating to St. Clair County; to amend Act No. 515, H. 1028, Regular Session 1969 (Acts 1969, p. 985) entitled "An Act Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations," so as to levy further a privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide further for the distribution of the proceeds of said tax; and to provide for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 895, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Whatley (with notice and proof):

H. 860. To provide additional revenue in Barbour County; levying in Barbour County special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; prescribing penalties and fixing punishment for violations of the act; and to provide for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 860, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 879, 880, 889, 890, 894, 866, 867, 868, 869, 870, 871, 895, and 860. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Stout and Rains (with notice and proof):

H. 840. To create an Industrial Development Authority for DeKalb County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 840, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 861. Relating to Marion County; authorizing the county commission to pay an additional expense allowance to the chief deputy sheriff, each deputy sheriff and the sheriff's clerk; and giving this act retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 861, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 864. Relating to Choctaw County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 864, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 865. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 865, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 882. To amend Section 9-11-190 of the Code of Alabama 1975 relating to the catching of nongame fish from public waters by use of wire baskets so as to specify the mesh size of baskets to be used in public waters of Choctaw County.

Also:

By Rep. Harrison (with notice and proof):

H. 619. To amend further Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to provide further for the definitions of "full time employee" and "qualified employee" and to provide further for new participants' credit for certain prior service.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 619, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 258 and 619. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 257. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Monday, July 2, 1979, we adjourn to meet again on Tuesday, July 10; when we adjourn on Tuesday, July 10, we adjourn to meet again on Wednesday, July 11; when we adjourn on Wednesday, July 11, we adjourn to meet again on Thursday, July 12; and when we adjourn on Thursday, July 12, we adjourn to meet again on Tuesday, July 17, all dates being in the year 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 257, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 253. CREATING A COMMITTEE TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

WHEREAS, there exists a serious shortage of office space for members and staff of the Alabama Legislature; and

WHEREAS, the State of Alabama already owns property near or adjacent to buildings currently in use by the State Highway Department; and

WHEREAS, the Highway Department can function and perform their duties equally as well away from the Capitol Complex as they do now in their present location, but legislative offices and some other state departments, by virtue of the services they perform, must and should be located in close proximity to the Capitol; and

WHEREAS, should additional property be needed in the future by the Highway Department, it is only logical and fiscally responsible that property be purchased in an area where property values are much lower than those in the downtown or Capitol area; and

WHEREAS, it is the intent of the Legislature to incorporate by reference the provisions of H. J. R. 37 and H. J. R. 51, which are Act No. 79-64 and 79-71, respectively, and to extend the deadline for reporting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study the availability and feasibility of acquiring additional office space for members of the Legislature and, in the alternative, to study the feasibility of constructing a building to house the Highway Department on state-owned property where the highway shops are now located, and to study the feasibility of converting the present Highway Department building for use by the Legislature and by other state departments that need to remain close to the Capitol Complex but are currently located in buildings leased from private owners. Such committee shall be composed of the legislative members of the State Building Commission and up to twelve members as follows: the Speaker of the House of Representatives shall appoint up to six members from the House and the Lieutenant Governor shall appoint up to six members from the Senate. The members of the committee shall elect from their membership a chairman. The committee shall consider the state's buying the property East of the Capitol, between Washington and Monroe, and using any suitable buildings thereon as a source of rental income for the state until such property is needed for building purposes. If, however, said buildings are unusable, the state shall be authorized to demolish them and hold this property for use as needed in the future to expand the Capitol Complex for departments needing close physical access to the Capitol.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 5th legislative day of the 1980 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 882, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 904. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grove Hill, in Clarke County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 904, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 905. Relating to Colbert County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 905, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Rains and Stout (with notice and proof):

H. 917. Relating to DeKalb County providing additional or supplemental laws applicable to sub-division regulations and public health in DeKalb County because of the porous sandy soil and sand rock structure of the soil in said county; providing that neither the State Department of Health nor any other state or local officer or agency shall withhold approval of any sub-division or any lot therein nor withhold or refuse to issue a septic tank permit or health approval on any tract of land, which has topsoil of at least 36 inches over sandstone and has a percolation rate of one inch in 60 minutes or less.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 917, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Kennedy (C) (with notice and proof):

H. 876. To amend Act No. 107 adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, as amended by Act No. 235, approved August 15, 1963, such original Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as the Municipal Employees Pension and Relief Fund. In addition to the provisions already enacted, this amendment

amends Section XI by changing in Section IX the payments of monthly benefits from one (1) year to five (5) years and amends Section X dealing with employees while performing their duties becomes or is found to be physically, mentally or permanently disabled to be retired and to be paid from the said fund a sum equal to sixty per cent (60%) of his or her compensation as provided in said Section X. This Amendment deletes from said Section X the five (5) year period for which said retirement shall be payable.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 876, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 840, 861, 864, 865, 882, 904, 905, 917, and 876. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bennett and Amari (with notice and proof):

H. 258. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinatedly, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms of provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 258, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 253, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dial:

H. J. R. 248. EXTENDING THE REPORTING DATE OF THE JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint legislative study commission to study the state income tax structure created by Act 79-78, HJR 24, 1979 Regular Session shall be required to report its findings to the legislature not later than the 5th legislative day of the next regular session of the legislature. Said reporting date shall be in lieu of any prior reporting date adopted by the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 248, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

CONSENT CALENDAR

BILLS ON THIRD READING RESUMED

The Bill:

S. 171. To amend Section 5-19-1(3), Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 171, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 171

A BILL
TO BE ENTITLED
AN ACT

To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-19-1 of the Code of Alabama of 1975 is hereby amended to read as follows:

"Section 5-19-1. Definitions.

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) **FINANCE CHARGE.** Such term shall include all charges payable directly or indirectly by the debtor and imposed directly or indirectly by the creditor as an incident to the extension of credit, including interest, time price differential, points or discount paid directly by the debtor, service, carrying or other charge however denominated, loan free credit or investigation fee, but not including permissible default or deferral charges, permissible attorney's fees, court costs, and official fees and taxes, points or discount paid by someone other than the debtor or premiums for permissible insurance as provided by this chapter. For the purpose of determining the permissible finance charge, any discount or point paid by debtor in connection with a mortgage loan on real estate, even though paid at one time, shall be spread over the stated term of the loan or forbearance or credit sale.

"(2) **CONSUMER.** Such term, when used as an adjective with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is extended by loan, sale of property or services, lease or otherwise is a natural person and the money, property or services which are the subject of the transaction are primarily for personal, family, household or agricultural purposes.

"(3) **CREDITOR.** Such term refers only to creditors who regularly extend or arrange for the extension of credit for which the payment of a finance charge is required, whether in connection with loans, sales of property or services or otherwise. The provisions of this chapter apply to any such creditor irrespective of his or its status as a natural person or any type of organization. The provisions of this chapter shall exclusively control the permitted activities and restrictions of any state-chartered credit union or its officers and directors to the extent that this chapter permits or proscribes any conduct; the provisions of this chapter being intended to preempt all existing legislation.

"(4) **CREDIT SALE.** Any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property or services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(5) OPEN END CREDIT PLAN. A plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be charged from time to time on an outstanding unpaid balance.

"(6) ADMINISTRATOR. The superintendent of banks of the state banking department.

"(7) SUPERVISOR OF THE BUREAU OF LOANS. The designated deputy administrator for the purpose of enforcing this chapter as to licensees.

"(8) HOME SOLICITATION SALE. A consumer credit sale of goods or services, other than farm equipment or motor vehicles, in which the seller or a person acting for him engages in a personal solicitation of the sale at a place other than the seller's place of business and the buyer's agreement or offer to purchase is there given to the seller or a person acting for him. Such term does not include a sale made pursuant to a preexisting open end credit plan, a closed end plan providing for a series of sales or a sale made pursuant to prior negotiations between the parties at the seller's place of business where goods or services are offered or exhibited for sale. (Acts 1971, No. 2052, p. 3290, Section 1.)"

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Under the provisions of Senate Rule 14 (4), Mr. Cook was granted unanimous consent to take up the Bill:

H. 335. To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

in place of the Consent Calendar Bill, S. B. 171.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, H. B. 335, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 335

A BILL TO BE ENTITLED AN ACT

To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-19-1 of the Code of Alabama of 1975 is hereby amended to read as follows:

"Section 5-19-1. Definitions.

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) **FINANCE CHARGE.** Such term shall include all charges payable directly or indirectly by the debtor and imposed directly or indirectly by the creditor as an incident to the extension of credit, including interest, time price differential, points or discount paid directly by the debtor, service, carrying or other charge however denominated, loan free credit or investigation fee, but not including permissible default or deferral charges, permissible attorney's fees, court costs, and official fees and taxes, points or discount paid by someone other than the debtor or premiums for permissible insurance as provided by this chapter. For the purpose of determining the permissible finance charge, any discount or point paid by debtor in connection with a mortgage loan on real estate, even though paid at one time, shall be spread over the stated term of the loan or forbearance or credit sale.

"(2) **CONSUMER.** Such term, when used as an adjective with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is extended by loan, sale of property or services, lease or otherwise is a natural person and the money, property or services which are the subject of the transaction are primarily for personal, family, household or agricultural purposes.

"(3) **CREDITOR.** Such term refers only to creditors who regularly extend or arrange for the extension of credit for which the payment of a finance charge is required, whether in connection with loans, sales of property or services or otherwise. The provisions of this chapter apply to any such creditor irrespective of his or its status as a natural person or any type of organization. The provisions of this chapter shall exclusively control the permitted activities and restrictions of any state-chartered credit union or its officers and directors to the extent that this chapter permits or proscribes any conduct; the provisions of this chapter being intended to preempt all existing legislation.

"(4) **CREDIT SALE.** Any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property or services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(5) **OPEN END CREDIT PLAN.** A plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be charged from time to time on an outstanding unpaid balance.

"(6) **ADMINISTRATOR.** The superintendent of banks of the state banking department.

"(7) **SUPERVISOR OF THE BUREAU OF LOANS.** The designated deputy administrator for the purpose of enforcing this chapter as to licensees.

"(8) **HOME SOLICITATION SALE.** A consumer credit sale of goods or services, other than farm equipment or motor vehicles, in which the seller or a person acting for him engages in a personal solicitation of the sale at a place other than the seller's place of business and the buyer's agreement or offer to purchase is there given to the seller or a person acting for him. Such term does

not include a sale made pursuant to a preexisting open end credit plan, a closed end plan providing for a series of sales or a sale made pursuant to prior negotiations between the parties at the seller's place of business where goods or services are offered or exhibited for sale. (Acts 1971, No. 2052, p. 3290, Section 1.)"

Section 2. The provisions of this Act are cumulative to the provisions of Senate Bill No. 26, Regular Session 1979, previously passed by this session of the legislature, said bill being popularly known as the Interest Equalization Bill; it being the intention of this Act that credit unions continue to be authorized to charge the one percent per month interest rate authorized by Section 5-17-18 of the Code of Alabama 1975, as well as any other finance charge authorized by Senate Bill No. 26 (the Interest Equalization Act).

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Cook, said substitute was laid on the table.

And said Bill, H. B. 335, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Cook	Harrison	Mitchem	Teague
deGraffenried	Higginbotham	Proctor	Vacca
Denton	Lemaster	Robertson	White
Figures	Little		

—25

Nays:

—0

CONSENT CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cook, further consideration of the Bill, S. B. 171, and pending committee substitute, was indefinitely postponed.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Figures	Little	Robertson
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Taylor
Cook	Harrison	Mitchem	Teague
deGraffenried	Higginbotham	Parsons	Vacca
Denton	Lemaster	Proctor	White

—27

Nays:

—0

The Bill:

S. 64. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Section 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 64, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 64

A BILL
TO BE ENTITLED
AN ACT

To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Be It Enacted by the Legislature of Alabama:

SECTION 1: SHORT TITLE AND PURPOSES.

This Act shall be known and may be cited as the Alabama Business Corporation Act.

Corporations may be organized under this Act for any lawful purpose or purposes.

SECTION 2. DEFINITIONS.

As used in this Act, unless the context otherwise requires, the term:

(a) "Corporation" or "domestic corporation" means a corporation for profit subject to the provisions of this Act, except a foreign corporation.

(b) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this State for a purpose or purposes for which a corporation may be organized under this Act.

(c) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(d) "Shares" means the units into which the proprietary interests in a corporation are divided.

(e) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(f) "Shareholder" means one who is a holder of record of shares in a corporation. If the articles of incorporation or the by-laws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth (1) the classification of shareholder who may certify, (2) the purpose or purposes for which the certification may be made, (3) the form of certification and information to be contained therein, (4) if the certification is with respect to a record date or closing of the stock transfer books within which the certification must be received by the corporation and (5) such other provisions with respect to the procedure as are deemed necessary or desirable. Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.

(g) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(h) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(i) "Net assets" means the amount by which the total assets of a corporation exceed the total debts of the corporation.

(j) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares of the corporation having a par value that have been issued, (2) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (3) such amounts not included in clauses (1) and (2) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof

by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation for the purpose of computing fees, and other charges imposed by law, except franchise taxes.

(k) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(l) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(m) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(n) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(o) "Employee" includes officers but not directors. A director may accept duties which make him also an employee.

(p) "Partner" includes partners in general partnerships and limited partnerships.

(q) "Partnership" includes general partnerships and limited partnerships.

(r) "Verified" means supported by an affidavit or oath confirming the correctness, truth or authenticity of the matters set forth therein.

SECTION 3. GENERAL POWERS.

Each corporation shall have power:

(a) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(b) To sue and be sued, complain and defend, in its corporate name.

(c) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(d) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(e) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(f) To lend money and use its credit to assist its employees.

(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of,

and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(h) To make contracts, guarantees and indemnity agreements and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage, pledge of, or creation of security interests in, all or any of its property, franchises, or income, or any interest therein, not inconsistent with the provisions of the Constitution of Alabama as the same may be amended from time to time.

(i) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(j) To conduct its business, carry on its operations and have offices and exercise the powers granted by this Act, within or without this State.

(k) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(l) To make and alter by-laws, not inconsistent with its articles of incorporation or with the laws of this State, for the administration and regulation of the affairs of the corporation.

(m) To make donations for the public welfare or for charitable, scientific or educational purposes.

(n) To transact any lawful business which the board of directors shall find will be in aid of governmental policy.

(o) To pay pensions and establish pension plans, pension trusts, profit sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees.

(p) To be a promoter, incorporator, partner, member, trustee, associate, or manager of any domestic or foreign corporation, partnership, joint venture, trust or other enterprise.

(q) To consolidate or merge, before or after the completion of its works or plants in the manner herein provided, with any other foreign or domestic corporation or corporations; but no corporation formed for the purpose of carrying on the business of banking or insurance shall consolidate or merge with any other corporation than corporations engaged in the business of banking or insurance or trust companies doing a banking business. No railroad shall consolidate or merge with any other than railroad corporations or companies; but when any two or more railroads or contemplated railroads, which, when completed will admit the passage of burden or passenger cars over any two or more such railroads, continuously and without break or interruption directly or by means of intervening lines, such companies may, before or after completion, **consolidate or merge.**

(r) To have and exercise all powers necessary or convenient to effect its purposes.

SECTION 4: INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS.

(a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action, suit or proceeding, whether civil, criminal, administrative or investigative, including appeals, (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such claim, action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any claim, action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith, notwithstanding that he has not been successful on any other claim, issue or matter in any such action, suit or proceeding.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to, or who have been wholly successful on the merits or otherwise with respect to, such claim,

action, suit or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors or directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses (including attorneys' fees) incurred in defending a civil or criminal claim, action, suit or proceeding may be paid by the corporation in advance of the final disposition of such claim, action, suit or proceeding as authorized in the manner provided in subsection (d) upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount if and to the extent that it shall be ultimately determined that he is not entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification authorized by this section shall not be deemed exclusive of and shall be in addition to any other rights (whether created prior or subsequent to the enactment of this section) to which those indemnified may be entitled under any statute, rule of law, provisions of articles of incorporation, by-law, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

SECTION 5: RIGHT OF CORPORATION TO ACQUIRE AND DISPOSE OF ITS OWN SHARES.

A corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of unreserved and unrestricted earned surplus available therefor, and, if the articles of incorporation so permit or with the affirmative vote of the holders of a majority of all shares entitled to vote thereon, to the extent of unreserved and unrestricted capital surplus available therefor.

To the extent that earned surplus or capital surplus is used as the measure of the corporation's right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such shares the restriction shall be removed *pro tanto*.

Notwithstanding the foregoing limitation, a corporation may purchase or otherwise acquire its own shares for the purpose of:

- (a) Eliminating fractional shares.
- (b) Collecting or compromising indebtedness to the corporation.
- (c) Paying dissenting shareholders entitled to payment for their shares under the provisions of this Act.

(d) Effecting, subject to the other provisions of this Act, the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price.

No purchase of or payment for its own shares shall be made at a time when the corporation is insolvent or when such purchase would make it insolvent.

SECTION 6: DEFENSE OF ULTRA VIRES.

No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(a) In a proceeding by a shareholder against the corporation to enjoin the doing of any act or the transfer of real or personal property by or to the corporation. If the unauthorized act or transfer sought to be enjoined is being, or is to be, performed or made pursuant to a contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former officers or directors of the corporation.

(c) In a proceeding by the Attorney General, as provided in this Act, to dissolve the corporation, or in a proceeding by the Attorney General to enjoin the corporation from the transaction of unauthorized business.

SECTION 7: CORPORATE NAME.

The corporate name:

(a) Shall contain, in the case of any corporation organized after the effective date of this Act, the word "corporation," "company," or "incorporated," or shall contain an abbreviation of one of such words.

(b) Shall not contain, in the case of any corporation organized after the effective date of this Act, any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State or any foreign corporation authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act, or the name of a corporation which has in effect a registration of its corporate name as provided in this Act, except that this provision shall not apply if the applicant files with the Secretary of State either of the following: (1) the written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more

words are added to make such name distinguishable from such other name, or (2) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this State.

A corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more domestic or foreign corporations or upon a sale, lease or other disposition to or exchange with, a domestic corporation of all or substantially all the assets of another corporation, domestic or foreign, including its name, may have the same name as that used in this State by any of such corporations if such other corporation was organized under the laws of, or is authorized to transact business in, this State.

SECTION 8: RESERVED NAME.

The exclusive right to the use of a corporate name may be reserved by:

(a) Any person, partnership, domestic corporation or foreign corporation intending to organize a corporation under this Act.

(b) Any domestic corporation intending to change its name.

(c) Any foreign corporation intending to make application for a certificate of authority to transact business in this State.

(d) Any foreign corporation authorized to transact business in this State and intending to change its name.

(e) Any person, partnership, domestic corporation or foreign corporation intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this State.

The reservation shall be made by filing with the Secretary of State an application to reserve a specified corporate name, executed by the applicant. If the Secretary of State finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of 120 days.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person, partnership, domestic corporation or foreign corporation by filing in the office of the Secretary of State a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

SECTION 9: REGISTERED NAME.

Any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name under this Act, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State, or the name of any foreign corporation authorized to transact business in this State, or any corporate name reserved or registered under this Act.

Such registration shall be made by:

(a) Filing with the Secretary of State (1) an application for registration executed by the corporation by an officer thereof, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is carrying on or doing

business, and a brief statement of the business in which it is engaged, and (2) a certificate setting forth that such corporation is in good standing under the laws of the state or territory wherein it is organized, executed by the Secretary of State of such state or territory or by such other official as may have custody of the records pertaining to corporations, and

(b) Paying to the Secretary of State a registration fee in the amount of one dollar for each month, or fraction thereof, between the date of filing such application and December 31st of the calendar year in which such application is filed, but not less than five dollars.

Such registration shall be effective until the close of the calendar year in which the application for registration is filed.

SECTION 10: RENEWAL OF REGISTERED NAME.

A corporation, which has in effect a registration of its corporate name, may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration and by paying a fee of \$12.00. A renewal application may be filed between the first day of October and the thirty-first day of December in each year, and shall extend the registration for the following calendar year.

SECTION 11: REGISTERED OFFICE AND REGISTERED AGENT.

Each corporation shall have and continuously maintain in this State:

(a) A registered office which may be, but need not be, the same as its place of business.

(b) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

(c) The Secretary of State shall keep an alphabetical list of domestic and foreign corporations, statements of whose incorporation or application for certificate of authority are filed in said office, together with the data contained in such statements.

SECTION 12: CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT.

A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the Secretary of State a statement setting forth:

(a) The name of the corporation.

(b) The address of its then registered office.

(c) If the address of its registered office is to be changed, the address to which the registered office is to be changed.

(d) The name of its then registered agent.

(e) If its registered agent is to be changed, the name of its successor registered agent.

(f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(g) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed by the corporation by its president, or a vice president, and verified by him, and delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to the provisions of this Act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the Secretary of State, who shall forthwith mail a copy thereof to the corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the Secretary of State.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to (e) or (g) and must recite that a copy of the statement has been mailed to the corporation.

SECTION 13: SERVICE OF PROCESS ON CORPORATION.

The registered agent so appointed by a corporation shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a corporation shall fail to appoint or maintain a registered agent in this State, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then it may be served as provided by the Alabama Rules of Civil Procedure.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

SECTION 14: AUTHORIZED SHARES.

Each corporation shall have power to create and issue the number of shares stated in its article of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, limitations, and relative rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this Act and the Constitution of Alabama as the same may be amended from time to time.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(a) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(b) Entitling the holders thereof to cumulative, non-cumulative or partially cumulative dividends.

(c) Having preference over any other class or classes of shares as to the payment of dividends.

(d) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(e) Convertible into shares of any other class or into shares of any series of the same or any other class, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted or the amount of any such deficiency is transferred from surplus to stated capital.

(f) Subject to limitation with respect to any one or more of the dividends payable thereon, and participation in earnings, assets, and property rights and interests of the corporation.

SECTION 15: ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES.

If the articles of incorporation so provide, and if such action is not inconsistent with the provisions of the Constitution of Alabama, as the same may be amended from time to time, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(A) The rates, preferences, cumulation provisions and time of payment of dividends.

(B) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.

(C) The amount payable upon shares in event of voluntary and involuntary liquidation.

(D) Sinking fund provisions, if any, for the redemption or purchase of shares.

(E) The terms and conditions, if any, on which shares may be converted.

(F) Voting rights, if any.

If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file in the office of the Secretary of State a statement setting forth:

- (a) The name of the corporation.
- (b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.
- (c) The date of adoption of such resolution.
- (d) That such resolution was duly adopted by the board of directors.

Such statement shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement. Such statement and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (1) Endorse on the statement and each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (2) File such statement in his office and certify the two copies thereof.
- (3) Return one certified copy of the statement to the corporation or its representative.
- (4) Promptly transmit the other certified copy of the statement to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon filing of such statement by the Secretary of State, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

SECTION 16: SUBSCRIPTIONS FOR SHARES.

A subscription for shares of a corporation to be organized shall be irrevocable for a period of six months, unless otherwise provided by the terms of the subscription agreement or unless all of the subscribers consent to the revocation of such subscription.

Unless otherwise provided in the subscription agreement, subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due in the same manner as any debt due the corporation. The by-laws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of a subscription, or of the amounts paid thereon, shall be declared as against any subscriber unless the amount due thereon shall

remain unpaid for a period of twenty days after written demand has been made therefor. If mailed, such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post-office address known to the corporation, with postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

SECTION 17: CONSIDERATION FOR SHARES.

Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares without par value may be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of the issuance of shares upon the conversion of exchange of indebtedness or shares, the consideration for the shares so issued shall be (1) the principal sum of, and accrued interest on, the indebtedness so exchanged or converted or the stated capital then represented by the shares so exchanged or converted, and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the indebtedness or shares so exchanged or converted.

SECTION 18: PAYMENT FOR SHARES.

The consideration for the issuance of shares may be paid, in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued shall have been received by the corporation, such shares shall be deemed to be fully paid and non-assessable.

Neither promissory notes nor future services shall constitute payment or part payment for the issuance of shares of a corporation.

In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

SECTION 19: STOCK RIGHTS AND OPTIONS.

Subject to any provisions in respect thereof set forth in its articles of incorporation, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or other securities, rights

or options entitling the holders thereof to purchase from the corporation shares of any class or classes. Such rights or options shall be evidenced in such manner as the board of directors shall approve and, subject to the provisions of the articles of incorporation, shall set forth the terms upon which, the time or times within which and the price or prices at which such shares may be purchased from the corporation upon the exercise of any such right or option. If such rights or options are to be issued to directors, officers or employees as such of the corporation or of any subsidiary thereof, and not to the shareholders generally, their issuance shall be approved by the affirmative vote of the holders of a majority of the shares entitled to vote thereon or shall be authorized by and consistent with a plan approved or ratified by such a vote of shareholders. In the absence of fraud in the transaction, the judgment of the board of directors as to the adequacy of the consideration received for such rights or options shall be conclusive. The price or prices to be received for any shares having a par value, other than treasury shares to be issued upon the exercise of such rights or options, shall not be less than the par value thereof.

SECTION 20: DETERMINATION OF AMOUNT OF STATED CAPITAL.

In case of the issuance by a corporation of shares having a par value, the consideration received therefor shall constitute stated capital to the extent of the par value of such shares, and the excess, if any, of such consideration shall constitute capital surplus.

In case of the issuance by a corporation of shares without par value, the entire consideration received therefor shall constitute stated capital unless the corporation shall determine as provided in this section that only a part thereof shall be stated capital. Within a period of sixty days after the issuance of any shares without par value, the board of directors may allocate to capital surplus any portion of the consideration received for the issuance of such shares. No such allocation shall be made of any portion of the consideration received for shares without par value having a preference in the assets of the corporation in the event of involuntary liquidation except the amount, if any, of such consideration in excess of such preference.

If shares have been or shall be issued by a corporation in merger or consolidation or in acquisition of all or substantially all of the outstanding shares or of the property and assets of another corporation, whether domestic or foreign, any amount that would otherwise constitute capital surplus under the foregoing provisions of this section may instead be allocated to earned surplus by the board of directors of the issuing corporation except that its aggregate earned surplus shall not exceed the sum of the earned surpluses as defined in this Act of the issuing corporation and of all other corporations, domestic or foreign, that were merged or consolidated or of which the shares or assets were acquired.

The stated capital of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the surplus of the corporation be transferred to stated capital. The board of directors may direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

SECTION 21: EXPENSES OF ORGANIZATION, REORGANIZATION AND FINANCING.

The reasonable charges and expenses of organization or reorganization of a corporation, and the reasonable expenses of and compensation for the

sale or underwriting of its shares, may be paid or allowed by such corporation out of the consideration received by it in payment for its shares without thereby rendering such shares not fully paid or assessable.

SECTION 22: CERTIFICATES REPRESENTING SHARES.

The shares of a corporation shall be represented by certificates signed by the chairman of the board, president, an executive vice president, a vice president, or the treasurer and by the secretary, an assistant vice president, an assistant secretary, or an assistant treasurer, and may be sealed with the seal of the corporation or a facsimile thereof. The signature of any one of these officers upon a certificate may be a facsimile if the certificate is signed by another of such officers, and the signatures of both of such officers may be facsimiles if the certificate is countersigned by a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of such class authorized to be issued, and if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

- (a) That the corporation is organized under the laws of this State.
- (b) The name of the person to whom issued.
- (c) The number and class of shares, and the designation of the series, if any, which such certificate represents.
- (d) The par value of each share represented by such certificate, or a statement that the shares are without par value. Provided, however, that for shares having a par value, a statement on the stock certificate that the par value of each share represented thereby will be as set forth from time to time in the articles of incorporation of the company, as amended, shall be sufficient.

Shares or interest in the stock of corporations are personal property, transferable on the books of the corporation in the manner provided by law.

No certificate shall be issued for any share until such share is fully paid.

Abbreviations may be used in the inscribing of certificates representing shares of stock. Without limiting the use of other abbreviations, however, the following or substantially similar abbreviations, may be used in the inscribing of such certificates only if explained on the face or back of the certificates, and shall be construed as though they were written out in full and shall be accorded the meaning ascribed herein:

Abbreviations:	Meaning:
TEN COM	as tenants in common
JT TEN	as joint tenants with right of survivorship and not as tenants in common
.....
(name of Custodian)	(name of Custodian)
Custodian Unif	as Custodian for
(minor)	(name
Gift Min Act under the
(state)	of minor) (name
 Uniform Gifts
	of state)
	to Minors Act

SECTION 23: RESTRICTION ON TRANSFER OF SECURITIES.

(a) A written restriction on the transfer or registration of transfer of securities of a corporation, if permitted by this section and noted conspicuously on the security, may be enforced against the holder of the restricted security or any successor or transferee of the holder including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder. Unless noted conspicuously on the security, a restriction, even though permitted by this section, is ineffective except against a person with actual knowledge of the restriction.

(b) A restriction of the transfer or registration of transfer of securities of a corporation may be imposed either by the articles of incorporation or by the by-laws or by an agreement among any number of security holders or among such holders and the corporation. No restriction so imposed shall be binding with respect to securities issued prior to the adoption of the restriction unless the holders of the securities are parties to an agreement or voted in favor of the restriction.

(c) A restriction on the transfer of securities of a corporation is permitted by this section if it:

(1) Obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities; or

(2) Obligates the corporation or any holder of securities of the corporation or any other person or any combination of the foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities; or

(3) Requires the corporation or the holders of any class of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities; or

(4) Prohibits the transfer of the restricted securities to designated persons or classes of persons, and such designation is not manifestly unreasonable.

(d) Any restriction of the transfer of the securities of a corporation for one of the following purposes is conclusively presumed to be for a reasonable purpose:

(1) For the purpose of maintaining its status as an electing small business corporation, as defined in subchapter S of the United States Internal Revenue Code of 1954 or any later such code, in the amended form in which the same shall be effective with reference to such electing small business corporations; and

(2) For the purpose of complying with the securities laws of any jurisdiction.

(e) In addition to the restrictions specifically permitted, any other reasonable restriction on transfer or registration of transfer of securities is permitted by this section.

SECTION 24: FRACTIONAL SHARES.

A corporation may, but shall not be required to, issue fractions of a share. If it does not issue fractions of a share, it shall (1) arrange for the disposition of fractional interests by those entitled thereto, (2) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined, or (3) issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of scrip, or subject to any other conditions which the board of directors may deem advisable.

SECTION 25: LIABILITY OF SUBSCRIBERS AND SHAREHOLDERS.

A holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which such shares were issued or to be issued.

Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration thereof has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration, but the transferor shall remain liable therefor.

An executor, administrator, conservator, custodian under a gift to minors act of this or any other state, guardian, trustee, assignee for the benefit of creditors, or receiver shall not be personally liable to the corporation as a holder of or subscriber to shares of a corporation but the estate and funds in his hands shall be so liable.

No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

Any corporation may have a lien on the shares of its shareholders for any debt or liability incurred to it by such shareholders before notice of transfer of

or levy on such shares, provided that the existence of such a lien be provided for in the articles of incorporation and be plainly recited on its certificates for shares of stock.

SECTION 26: SHAREHOLDERS' PRE-EMPTIVE RIGHTS.

Unless otherwise provided in the articles of incorporation or an amendment thereto, every shareholder entitled to vote for the election of directors shall have the pre-emptive right to purchase his proportion of the issuance of any class of shares, including treasury shares, according to the proportion of his holdings of such class of shares, at such price, which may be in excess of par value, within such time, and on such terms as shall be fixed and determined by the board of directors; provided, however, that nothing herein contained shall prevent the inclusion of or invalidate provisions in the articles of incorporation or an amendment thereto which deny pre-emptive rights to the holders of any class of shares or grant pre-emptive rights to the holders of preferred shares or other shares not having voting power nor shall anything herein be construed to give pre-emptive rights to the holders of preferred shares having the right to elect one or more directors of the corporation only in the event of default in payment of dividends on such preferred shares or other default.

SECTION 27: BY-LAWS.

The initial by-laws of a corporation shall be adopted by the shareholders. The power to alter, amend or repeal the by-laws or adopt new by-laws, shall be vested in the board of directors unless reserved to the shareholders by the articles of incorporation, provided, however, that the board of directors may not alter, amend, or repeal any by-law establishing what constitutes a quorum at shareholders' meetings. The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

SECTION 28: BY-LAWS AND OTHER POWERS IN EMERGENCY.

The board of directors of any corporation may adopt emergency by-laws, subject to repeal or change by action of the shareholders, which shall, notwithstanding any different provision elsewhere in this Act or in the articles of incorporation or by-laws, be operative during any emergency in the conduct of the business of the corporation resulting from an attack on the United States or any nuclear or atomic disaster, or during the existence of any catastrophe or other similar emergency condition, as a result of which a quorum of the board of directors or a standing committee thereof cannot readily be convened for action. The emergency by-laws may make any provision that may be practical and necessary for the circumstances of the emergency, including provisions that:

(a) A meeting of the board of directors may be called by any officer or director in such manner and under such conditions as shall be prescribed in the emergency by-laws;

(b) The director or directors in attendance at the meeting, or any greater number fixed by the emergency by-laws, shall constitute a quorum; and

(c) The officers or other persons designated on a list approved by the board of directors before the emergency, all in such order or priority and subject to such conditions, and for such period of time (not longer than reasonably necessary after the termination of the emergency) as may be

provided in the emergency by-laws or in the resolution approving the list shall, to the extent required to provide a quorum at any meeting of the board of directors, be deemed directors for such meetings.

The board of directors, either before or during any such emergency, may provide, and from time to time modify, lines of succession in the event that during such an emergency any or all officers or agents of the corporation shall for any reason be rendered incapable of discharging their duties.

The board of directors, either before or during any such emergency, may, effective in the emergency, change the head office or designate several alternative head offices or regional offices, or authorize the officers so to do.

To the extent not inconsistent with any emergency by-laws so adopted, the by-laws of the corporation shall remain in effect during any such emergency and upon its termination the emergency by-laws shall cease to be operative.

Unless otherwise provided in emergency by-laws, notice of any meeting of the board of directors during any such emergency may be given only to such of the directors as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication or radio.

To the extent required to constitute a quorum at any meeting of the board of directors during any such emergency, the officers of the corporation who are present shall, unless otherwise provided in emergency by-laws, be deemed, in order of rank and within the same rank in order of seniority, directors for such meeting.

No officer, director or employee acting in accordance with any emergency by-laws shall be liable except for wilful misconduct. No officer, director or employee shall be liable for any action taken by him in good faith in such an emergency in furtherance of the ordinary business affairs of the corporation even though not authorized by the by-laws then in effect.

SECTION 29: MEETINGS OF SHAREHOLDERS.

Meetings of shareholders may be held at such place within or without this State as may be stated in or fixed in accordance with the by-laws. If no other place is stated or so fixed, meetings shall be held at the registered office of the corporation.

An annual meeting of the shareholders shall be held at such time as may be stated in or fixed in accordance with the by-laws. If the annual meeting is not held within any thirteen-month period the Circuit Court of the County in which the corporation has its registered office or any court in such place having jurisdiction may, on the application of any shareholder, summarily order a meeting to be held.

Special meetings of the shareholders may be called by the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting, or such other persons as may be authorized in the articles of incorporation or the by-laws.

SECTION 30: NOTICE OF SHAREHOLDERS' MEETINGS.

Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the

president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the stock transfer books of the corporation, with postage thereon prepaid.

Notwithstanding the provisions of this section, the stock or bonded indebtedness of a corporation shall not be increased at a meeting unless notice of such meeting shall have been given as may be required by section 234 of the Constitution of Alabama as the same may be amended from time to time.

SECTION 31: WAIVER OF NOTICE.

Whenever any notice is required to be given to any shareholder or director of a corporation under the provisions of the Constitution of Alabama or this Act or under the provisions of the articles of incorporation or by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

SECTION 32: CLOSING OF TRANSFER BOOKS AND FIXING RECORD DATE.

For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, fifty days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least ten days immediately proceeding such meeting. In lieu of closing the stock transfer books, the by-laws, or in the absence of an applicable by-law the board of directors, may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than fifty days and, in case of a meeting of shareholders, not less than ten days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, such determination shall apply to any adjournment thereof except where the determination has been made through the closing of the stock transfer books and the stated period of closing has expired.

SECTION 33: VOTING RECORD.

The officer or agent having charge of the stock transfer books for shares of a corporation shall make, at least ten days before each meeting of shareholders, a complete list of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list, for a period of ten days prior to such meeting, shall be kept on file at the principal office of the corporation and shall be subject to inspection by any shareholder making

written request therefor at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting. The originals stock transfer books shall be prima facie evidence as to who are the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.

Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the list of shareholders, or keep it on file for a period of ten days, or produce and keep it open for inspection at the meeting as provided in this section shall be liable to any shareholder who made written demand for the inspection of said list and who suffered damage on account of such failure, to the extent of such damage.

SECTION 34: QUORUM OF SHAREHOLDERS.

Unless otherwise provided in the articles of incorporation, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders, but in no event shall a quorum consist of less than one-third of the shares entitled to vote at the meeting. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by the Constitution of Alabama as the same may be amended from time to time, this Act, the articles of incorporation, or by-laws.

SECTION 35: VOTING OF SHARES.

Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except as may be otherwise provided in the articles of incorporation. If the articles of incorporation provide for more or less than one vote for any share, on any matter, every reference in this Act to a majority or other proportion of shares shall refer to such a majority or other proportion of votes entitled to be cast.

Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

At each election for directors every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or, if cumulative voting is authorized by the articles of incorporation, to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the by-laws of such other corporation may prescribe, or, in the absence of such provision, as the board of directors of such other corporation may determine.

Shares held by an administrator, executor, guardian, or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name and no corporate trustee shall be entitled to vote for the election of directors shares held by it solely in a fiduciary capacity if such shares are shares issued by the corporate trustee itself.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

SECTION 36: GREATER VOTING REQUIREMENTS.

Whenever, with respect to any action to be taken by the shareholders of a corporation, the articles of incorporation require the vote or concurrence of the holders of a greater portion of the shares, or of any class or series thereof, then required by this Act with respect to such action, the provisions of the articles of incorporation shall control.

SECTION 37: VOTING TRUSTS AND AGREEMENTS AMONG SHAREHOLDERS.

Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. Such trustee and trustees shall keep a record of the holders of voting trust certificates evidencing a beneficial interest in the voting trust, giving the names and addresses of all such holders and the number and class of the shares in respect of which the voting trust certificates held by each are issued, and shall deposit a copy of such record with the corporation at its registered office. Certificates of stock shall be issued to the voting trustee or trustees to represent any stock of an original issue so deposited with him or them, and any certificates of stock transferred to the voting trustee or trustees shall be surrendered and cancelled and new certificates therefor shall be issued to the

voting trustee or trustees. In the certificate so issued it shall be stated that the certificate is issued pursuant to the voting trust agreement, and that fact shall also be stated in the stock ledger of the corporation. The counterpart of the voting trust agreement and the copy of the records of holders of voting trust certificates deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as are the books and records of the corporation, and such counterpart and such copy of such record shall be subject to examination by any holder or record of voting trust certificates, either in person or by agent or attorney, at any reasonable time for any proper purpose.

Agreements among shareholders regarding the voting of their shares shall be valid and enforceable in accordance with their terms. Such agreements shall not be subject to the provisions of this section regarding voting trusts.

SECTION 38: ACTION BY SHAREHOLDERS WITHOUT A MEETING.

Any action required by this Act to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

Such consent shall have the same effect as a unanimous vote of shareholders, and may be stated as such in any articles or document filed with the Secretary of State under this Act.

SECTION 39: BUSINESS OF CORPORATION TO BE MANAGED BY BOARD OF DIRECTORS.

All corporate powers shall be exercised by or under authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors except as may be otherwise provided in this Act or the articles of incorporation. If any such provision is made in the articles of incorporation, the powers and duties conferred or imposed upon the board of directors by this Act shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation. Directors shall be natural persons but need not be residents of this State or shareholders of the corporation unless the articles of incorporation or by-laws so require. The articles of incorporation or by-laws may prescribe other qualifications for directors. The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation.

SECTION 40: NUMBER AND ELECTION OF DIRECTORS.

The board of directors of a corporation shall consist of one or more members. The number of directors shall be fixed by, or in the manner provided in, the articles of incorporation or the by-laws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to, or in the manner provided in, the articles of incorporation or the by-laws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a by-law providing for the number of directors, the number shall be the same as that provided for in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the

articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this Act. Failure to elect directors at any time designated for their election shall not work a dissolution of the corporation, and each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified.

SECTION 41: CLASSIFICATION OF DIRECTORS.

When the board of directors shall consist of nine or more members, in lieu of electing the whole number of directors annually, the articles of incorporation or the by-laws may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two classes, or until the third succeeding annual meeting, if there be three classes. No classification of directors shall be effective prior to the first annual meeting of shareholders.

SECTION 42. VACANCIES IN BOARD OF DIRECTORS.

Vacancies occurring in the board of directors may, unless prohibited by the articles of incorporation or by-laws, be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next annual meeting of shareholders. Any directorship to be filled by reason of an increase in the number of directors shall be filled by election at an annual meeting or at a special meeting of shareholders called for that purpose.

SECTION 43: REMOVAL OF DIRECTORS.

At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director or the entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors, who may then forthwith at such meeting proceed to elect a successor or successors for the unexpired term.

In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or if there be classes of directors, at an election of the class of directors of which he is a part.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

SECTION 44: QUORUM OF DIRECTORS.

A majority of the directors shall constitute a quorum for the transaction of business, unless the articles of incorporation or by-laws shall provide that a different number shall constitute a quorum. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number if required by the articles of incorporation or the by-laws.

If a quorum is present when the meeting is convened, the directors present may continue to do business, taking action by a vote of a majority of a quorum as fixed above, until adjournment, notwithstanding the withdrawal of enough directors to leave less than a quorum as fixed above, or the refusal of any director present to vote.

SECTION 45: DIRECTOR CONFLICTS OF INTEREST.

No contract or other transaction between a corporation and one or more of its directors or any other corporation, firm, association or entity in which one or more of its directors are directors or officers or are financially interested, shall be either void or voidable because of such relationship or interest or because such director or directors are present at the meeting of the board of directors or a committee thereof which authorizes, approves or ratifies such contract or transaction, if:

(a) the fact of such relationship or interest is disclosed to the board of directors or committee which authorizes, approves or ratifies the contract or transaction by a vote or consent sufficient for the purpose without counting the votes or consents of such interested directors; or

(b) the fact of such relationship or interest is disclosed to the shareholders entitled to vote and they authorize, approve or ratify such contract or transaction by vote or written consent;

and the contract or transaction is fair and reasonable to the corporation.

Common or interested directors may not be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves, or ratifies such contract or transaction.

SECTION 46: EXECUTIVE AND OTHER COMMITTEES.

If the articles of incorporation or the by-laws so provide, the board of directors, by resolution adopted by a majority of the full board of directors, may designate from among its members one or more committees, each committee to consist of one or more of the directors and each of which committees, to the extent provided in such resolution or in the articles of incorporation or the by-laws of the corporation, shall have and may exercise all the authority of the board of directors, except that no such committee shall have the authority of the board of directors in reference to declaring a dividend or distribution from capital surplus, issuing capital stock, amending the articles of incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, mortgage, exchange or other disposition of all or substantially all the property and assets of the corporation otherwise than in the usual and regular course of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, filling vacancies in the board of directors, or amending the by-laws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, or any responsibility imposed upon it or him by law.

SECTION 47: PLACE AND NOTICE OF DIRECTORS' MEETINGS; COMMITTEE MEETINGS.

Meetings of the board of directors, regular or special, may be held either within or without this State.

Regular meetings of the board of directors or any committee designated thereby may be held with or without notice as prescribed in the by-laws. Special meetings of the board of directors or any committee designated thereby shall be held upon such notice as is prescribed in the by-laws. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated thereby need be specified in the notice of waiver of notice of such meeting unless required by the by-laws.

Except as may be otherwise restricted by the articles of incorporation or by-laws, members of the board of directors or any committee designated thereby may participate in a meeting of such board of committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

SECTION 48: ACTION BY DIRECTORS WITHOUT A MEETING.

Unless otherwise provided by the articles of incorporation or by-laws, any action required by this Act to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

SECTION 49: DIVIDENDS.

The board of directors of a corporation may, from time to time, declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, except when the corporation is insolvent or when the declaration or payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restriction contained in the articles of incorporation, subject to the following provisions:

(a) Dividends may be declared and paid in cash or property only out of the unreserved and unrestricted earned surplus of the corporation, except as otherwise provided in this section.

(b) If the articles of incorporation of a corporation engaged in the business of exploiting natural resources so provide, dividends may be declared and paid in cash out of the depletion reserves, but each such dividend shall be identified as a distribution of such reserves and the amount per share paid from such reserves shall be disclosed to the shareholders receiving the same concurrently with the distribution thereof.

(c) Dividends may be declared and paid in its own treasury shares.

(d) Dividends may be declared and paid in its own authorized but unissued shares out of any unreserved and unrestricted surplus of the corporation upon the following conditions:

(1) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(2) If a dividend is payable in its own shares without par value, such shares shall be issued at such stated value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate value so fixed in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(e) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the articles of incorporation so provide or such payment is authorized by the affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

SECTION 50: DISTRIBUTIONS FROM CAPITAL SURPLUS.

The board of directors of a corporation may, from time to time, distribute to its shareholders out of capital surplus of the corporation a portion of its assets, in cash or property, subject to the following provisions:

(a) No such distribution shall be made at a time when the corporation is insolvent or when such distribution would render the corporation insolvent.

(b) No such distribution shall be made unless the articles of incorporation so provide or such distribution is authorized by the affirmative vote of the holders of a majority of the outstanding shares of each class whether or not entitled to vote thereon by the provisions of the articles of incorporation of the corporation.

(c) No such distribution shall be made to the holders of any class or shares unless all cumulative dividends accrued on all preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(d) No such distribution shall be made to the holders of any class of shares which would reduce the remaining net assets of the corporation below the aggregate preferential amount payable in event of involuntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(e) Each such distribution, when made, shall be identified as a distribution from capital surplus and the amount per share disclosed to the shareholders receiving the same concurrently with the distribution thereof.

The board of directors of a corporation may also, from time to time, distribute to the holders of its outstanding shares having a cumulative preferential right to receive dividends, in discharge of their cumulative dividend rights, dividends payable in cash out of the capital surplus of the

corporation, if at the time the corporation has no earned surplus and is not insolvent and would not thereby be rendered insolvent. Each such distribution when made, shall be identified as a payment of cumulative dividends out of capital surplus.

SECTION 51: LOANS TO EMPLOYEES AND DIRECTORS.

A corporation shall not lend money to or use its credit to assist its directors without authorization in the particular case by its shareholders, but may lend money to and use its credit to assist any employee of the corporation or of a subsidiary, including any such employee who is a director of the corporation, if the board of directors decides that such loan or assistance may benefit the corporation provided, however, that nothing in this section shall prohibit a bank, trust company or other corporation regularly engaged in the business of lending money from lending money to its directors without the necessity for shareholder authorization, so long as such loans are made in compliance with the laws and regulations applicable to banks, trust companies and other lending institutions with respect to loans to directors.

SECTION 53: DEPRECIATING STOCKS OR BONDS OF CORPORATION WITH INTENT TO BUY.

No president, director, or managing officer of any corporation, by whatsoever name or title he may be known or called, shall do or omit to do any act, or shall make any declaration or statement in writing, or otherwise, with the intent to depreciate the market value of the stock or bonds of such corporation, and with the further intent to enable such president, director, or other managing officer, or any other person, to buy any such stock or bonds at less than the real value thereof.

SECTION 54: DISSENT OF DIRECTOR TO ACTION OF BOARD.

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered or certified mail or personal delivery to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

SECTION 55: DIRECTOR RELYING UPON CERTAIN REPORTS AND RECORDS PROTECTED.

In performing his duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(a) one or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented,

(b) counsel, public accountants or other persons as to matters which the director reasonably believes to be within such person's professional or expert competence, or

(c) a committee of the board upon which he does not serve, duly designated in accordance with a provision of the articles of incorporation or

the by-laws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence, but he shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause such reliance to be unwarranted.

A person who so performs his duties shall have no liability by reason of being or having been a director of the corporation.

SECTION 56: DUTY OF DIRECTORS GENERALLY.

A director shall perform his duties as a director, including his duties as a member of any committee of the board upon which he may serve, in good faith, in a manner he reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use under similar circumstances.

SECTION 57: LIABILITY OF DIRECTORS IN CERTAIN CASES.

In addition to any other liabilities, a director shall be liable in the following circumstances unless he complies with the standard provided in this Act for the performance of the duties of directors.

(a) A director who votes for or assents to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this Act or contrary to any restrictions contained in the articles of incorporation, shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this Act or the restrictions in the articles of incorporation.

(b) A director who votes for or assents to the purchase of the corporation's own shares contrary to the provisions of this Act shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this Act.

(c) A director who votes for or assents to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations, and liabilities of the corporation shall be liable to the corporation, jointly and severally with all other directors so voting or assenting, for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this Act, in proportion to the amounts received by them.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

SECTION 58: FIDUCIARY OBLIGATIONS NOT IMPAIRED.

Neither an unqualified statement of rights or powers, nor an unqualified grant of authority herein, shall be taken or construed, to abrogate, repeal, displace, modify, or impair the fiduciary obligations of directors or other officers or employees of any corporation, or of stockholders having or exercising control thereof, or of any function thereof, whether by reason of ownership of a majority, or other controlling, interest therein, or otherwise, or the jurisdiction of the courts to grant relief by way of injunction or otherwise, in order to forestall, prevent, correct, remedy, or allow damages for fraud, oppression, imposition, or other inequitable or remedial conduct in conformity with the applicable principles and practices of law.

SECTION 60: OFFICERS.

The officers of a corporation shall consist of a president and a secretary each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the by-laws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the by-laws. Any number of officers may be held by the same person unless the by-laws provide otherwise.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the by-laws, or as may be determined by resolution of the board of directors not inconsistent with the by-laws.

SECTION 61: REMOVAL OF OFFICERS.

Any officer or agent may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

SECTION 62: BOOKS AND RECORDS AND FINANCIAL REPORTS TO SHAREHOLDERS.

Each corporation, and each foreign corporation which has its principal place of business within this State, shall keep at a location within this State correct and complete books and records of account and correct and complete records of all transactions of the corporation and also shall keep complete and correct minutes of the proceedings of its shareholders and board of directors and committees of the board of directors and shall keep at its registered office or principal place of business or at the office of its transfer agent or registrar a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each. Financial or accounting records may be kept in written form or in any other form capable of being converted to written form within a reasonable time.

Any person who for six months immediately preceding his demand shall have been a holder of record of shares or of voting trust certificates therefor or who is the holder of record of, or the holder of record of voting trust certificates for, at least five per cent (5%) of the outstanding shares of any class of shares of a corporation, upon written demand stating the purpose therefor, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, all of its books, papers, records of

account, minutes, and record of shareholders (and holders) of voting trust certificates and to make copies thereof or extracts therefrom. Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private financial affairs of borrowers and depositors who are neither officers, directors, or employees of the bank nor who are related to or engaged in business with an officer, director, or employee shall not be subject to examination by such a stockholder or by his agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the Supreme Court of Alabama on writ of mandamus. Provided further that if a corporation is engaged in the business of banking, its said books and records of account and minutes shall be deemed not to include any reports of examination by state or federal supervisory agencies nor any actions taken nor reports made by the corporation to bank supervisory authorities pursuant thereto.

Any officer or agent who, or a corporation which, without reasonable cause, shall refuse to allow any such shareholder or holder of voting trust certificates, or his agent or attorney so to examine and make copies of and extracts from its books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates, for any proper purpose, shall be liable to such shareholder or holder of voting trust certificates for a penalty of an amount not to exceed ten per cent (10%) of the value of the shares owned by such shareholder, or in respect of which such voting trust certificates are issued, in addition to any other damages or remedy afforded him by law. It shall be a defense to an action brought to collect the penalty specified in this section that the person suing therefor within the two years next preceding the demand has sold or offered for sale any list of shareholders or of holders of voting trust certificates for shares of such corporation, or any other corporation or knowingly has aided or abetted any person in procuring any list of shareholders or of holders of voting trust certificates for such purpose, or improperly has used any information secured through any prior examination of the books, papers, records of account, minutes, or record of shareholders or of holders of voting trust certificates for shares of such corporation, or was not acting in good faith or for a proper purpose in making this demand.

Nothing herein contained shall impair or restrict the power of any court of competent jurisdiction, upon proof by a shareholder or holder of voting trust certificates of a proper purpose, irrespective of the period of time during which such shareholder or holder of voting trust certificates shall have been a shareholder of record or a holder of record of voting trust certificates, and irrespective of the number of shares held by him or represented by voting trust certificates held by him, to compel the production for examination by such shareholder or holder of voting trust certificates, or his agent or attorney, of the books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates of a corporation.

The board of directors shall cause the corporation to mail to each of its shareholders and holders of voting trust certificates, not later than one hundred and twenty (120) days after the close of each of its fiscal years, a financial statement, which may be consolidated, including a balance sheet as of the end of such fiscal year and a statement of income, (expenses and retained earnings) for such fiscal year (or from the inception of the corporation's business, if a shorter period). Such financial statement shall be prepared in accordance with generally accepted accounting principles, or, if the

books of the corporation are not maintained on that basis, may be prepared either on the same basis used by the corporation for filing its United States income tax returns or as required by appropriate regulatory agencies. The financial statement shall be accompanied by a report of the president, the officer of the corporation in charge of its financial records, or a certified public accountant stating whether, in his opinion, the financial statements of the corporation present fairly the financial position of the corporation and the results of its operations in accordance with generally accepted accounting principles and, if not, describing the basis of their preparation and giving his opinion of the fairness of the presentation of the data shown by them, in accordance with accounting procedures generally used in the trade, industry, or business conducted by the corporation.

SECTION 63: INCORPORATORS.

One or more persons, partnerships, domestic corporations, or foreign corporations, may act as incorporator or incorporators of a corporation by signing and delivering to the Secretary of State the articles of incorporation for such corporation.

SECTION 64: ARTICLES OF INCORPORATION.

The articles of incorporation shall set forth:

- (a) The name of the corporation.
- (b) The period of duration, which may be perpetual.
- (c) The purpose or purposes for which the corporation is organized which may be stated to be, or to include, the transaction of any or all lawful business for which corporations may be incorporated under this Act.
- (d) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.
- (e) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.
- (f) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.
- (g) If any preemptive right is to be granted to shareholders, the provisions therefor.
- (h) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provisions restricting the transfer of shares and any provision which under this Act is required or permitted to be set forth in the by-laws.
- (i) The location and mailing address of its initial registered office, and the name of its initial registered agent at such address.

(j) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

(k) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act.

SECTION 65: FILING OF ARTICLES OF INCORPORATION.

The articles of incorporation and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of incorporation conform to law, he shall, when all fees prescribed in this Act have been paid:

(a) Endorse on the articles of incorporation and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(b) File the articles of incorporation in his office and certify the two copies thereof.

(c) Issue a certificate of incorporation to which he shall affix one certified copy of the articles of incorporation, and return such certificate of incorporation with the certified copy of the articles of incorporation affixed thereto to the incorporators of their representative.

(d) Promptly transmit the other certified copy of the articles of incorporation together with a copy of the certificate of incorporation to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book kept for that purpose.

SECTION 66: EFFECT OF FILING OF ARTICLES OF INCORPORATION AND ISSUANCE OF CERTIFICATE OF INCORPORATION.

Upon the filing of the articles of incorporation with the Secretary of State, the corporate existence shall begin. The certificate of incorporation issued by the Secretary of State shall be conclusive evidence that the corporation has been incorporated under this Act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

SECTION 67: CORRECTION OF ERRORS OR OMISSIONS.

If any corporation has an error or omission in the corporation's:

(a) articles of incorporation, or

(b) any other instrument filed, which corrects, amends, alters or supplements the articles of incorporation, through accident or inadvertence, whether clerical or otherwise, the chairman of the board, president or a vice president of the corporation may supply or correct such omission or defect by filing in the office of the Secretary of State articles of correction and two copies thereof, which shall consist of a statement in writing and under oath setting forth the omission or error and supplying or correcting the same.

If the Secretary of State finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the statement and each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the statement in his office and certify the two copies thereof.

(3) Return one certified copy of the statement to the corporation or its representative.

(4) Promptly transmit the other certified copy of the statement to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the filing of such statement by the Secretary of State, the statement shall relate back to the date of the filing of the instrument to which the correction relates, except as to the rights of third persons which have intervened.

SECTION 68: ORGANIZATION MEETING OF DIRECTORS.

After the filing of the articles of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this State, at the call of a majority of the directors named in the articles of incorporation, for the purpose of adopting by-laws, electing officers and transacting such other business as may come before the meeting. The directors calling the meeting shall give at least three days' notice thereof by mail to each director so named, stating the time and place of the meeting.

SECTION 69: RIGHT TO AMEND ARTICLES OF INCORPORATION

A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired, so long as its articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation.

In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

(a) To change its corporate name.

(b) To change its period of duration.

(c) To change, enlarge or diminish its corporate purposes.

(d) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.

(e) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.

(f) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued.

(g) To change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, limitations, and the relative rights in respect of all or any part of its shares, whether issued or unissued.

(h) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.

(i) To change the shares of any class, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.

(j) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.

(k) To cancel or otherwise affect the right of the holders of the shares of any class to receive dividends which have accrued but have not been declared.

(l) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.

(m) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.

(n) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.

(o) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.

(p) To limit, deny or grant to shareholders of any class the preemptive right to acquire additional or treasury shares of the corporation, whether then or thereafter authorized.

SECTION 70: PROCEDURE TO AMEND ARTICLES OF INCORPORATION.

Amendments to the articles of incorporation shall be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the proposed amendment and, if shares have been issued, directing that it be submitted to a vote at a meeting of shareholders, which may be either the annual or a special meeting. If no shares have been issued, the amendment shall be adopted by resolution of the board of directors and the provisions for adoption by shareholders shall not apply. The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be affected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the share entitled to vote thereon, unless a greater than majority vote is required by the articles of incorporation or the Constitution of Alabama as the same may be amended from time to time or unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the requisite affirmative vote of the holders of the shares of each class of shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

SECTION 71: CLASS VOTING ON AMENDMENTS.

The holders of the outstanding shares of a class shall be entitled to vote as a class upon a proposed amendment, whether or not entitled to vote thereon by the provisions of the articles of incorporation, if the amendment would:

(a) Increase or decrease the aggregate number of authorized shares of such class.

(b) Increase or decrease the par value of the shares of such class.

(c) Effect an exchange, reclassification or cancellation of all or part of the shares of such class.

(d) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(e) Change the designations, preferences, limitations or relative rights of the shares of such class.

(f) Change the shares of such class, whether with or without par value, into the same or a different number of shares, either with or without par value, of the same class or another class or classes.

(g) Create a new class of shares having rights and preferences prior and superior to the shares of such class, or increase the rights and preferences or the number of authorized shares, of any class having rights and preferences prior or superior to the shares of such class.

(h) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designation of such series and the variations in the relative rights and preferences between the shares of such series, or authorize the board of directors to do so.

(i) Limit or deny any existing preemptive rights of the shares of such class.

(j) Cancel or otherwise affect dividends on the shares of such class which have accrued but have not been declared.

SECTION 72: ARTICLES OF AMENDMENT.

The articles of amendment shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

- (a) The name of the corporation.
- (b) The amendments so adopted.
- (c) The date of the adoption of the amendment by the shareholders, or by the board of directors where no shares have been issued.
- (d) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.
- (e) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively, or if no shares have been issued, a statement to that effect.
- (f) If such amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.
- (g) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

SECTION 73: FILING OF ARTICLES OF AMENDMENT.

The articles of amendment and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of amendment conform to law, he shall, when all fees prescribed in this Act have been paid:

- (a) Endorse on the articles of amendment and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) File the articles of amendment in his office and certify the two copies thereof.
- (c) Issue a certificate of amendment to which he shall affix one certified copy of the articles of amendment, and return such certificate of amendment with the certified copy of the articles of amendment affixed thereto to the corporation or its representative.
- (d) Promptly transmit the other certified copy of the articles of amendment together with a copy of the certificate of amendment to the office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book kept for that purpose.

SECTION 74: EFFECT OF CERTIFICATE OF AMENDMENT.

Upon the issuance of the certificate of amendment by the Secretary of State, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

SECTION 75: RESTATED ARTICLES OF INCORPORATION.

A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

Upon the adoption of such resolution, restated articles of incorporation shall be executed for the corporation by its president or a vice president and by its secretary or assistant secretary and verified by one of the officers signing such articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

The restated articles of incorporation and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such restated articles of incorporation conform to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the restated articles of incorporation and on each of such copies the word "Filed", and the hour, day, month and year of filing thereof.

(2) File the restated articles of incorporation in his office and certify the two copies thereof.

(3) Issue a restated certificate of incorporation, to which he shall affix one certified copy of the restated articles of incorporation and return such restated certificate of incorporation with the certified copy of the restated certificate of incorporation with the certified copy of the restated articles of incorporation affixed thereto to the corporation or its representative.

(4) Promptly transmit the other certified copy of the restated articles of incorporation together with a copy of the restated certificate of incorporation to the office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the issuance of the restated certificate of incorporation by the Secretary of State, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

SECTION 76: AMENDMENT OF ARTICLES OF INCORPORATION IN REORGANIZATION PROCEEDINGS.

Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

- (A) Change the corporate name, period of duration or corporate purposes of the corporation;
- (B) Repeal, alter or amend the by-laws of the corporation;
- (C) Change the aggregate number of share or shares of any class, which the corporation has authority to issue;
- (D) Change the preferences, limitations and relative rights in respect of all or any part of the shares of the corporation and classify, reclassify or cancel all or any part thereof, whether issued or unissued;
- (E) Authorize the issuance of bonds, debentures or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and
- (F) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(a) Articles of amendment approved by decree or order of such court shall be executed and verified by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the articles of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) The articles of amendment and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of amendment conform to law, he shall, when all fees prescribed in this Act have been paid;

(1) Endorse on the articles of amendment and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the articles of amendment in his office and certify the two copies thereof.

(3) Issue a certificate of amendment to which he shall affix one certified copy of the articles of amendment, and return such certificate of amendment with the certified copy of the articles of amendment affixed thereto to the corporation or its representative.

(4) Promptly transmit the other certified copy of the articles of amendment together with a copy of the certificate of amendment to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book kept for that purpose.

Upon the issuance of the certificate of amendment by the Secretary of State, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

SECTION 77: RESTRICTION ON REDEMPTION OR PURCHASE OF REDEEMABLE SHARES.

No redemption or purchase of redeemable shares shall be made by a corporation when it is insolvent or when such redemption or purchase would render it insolvent, or which would reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon involuntary dissolution.

SECTION 78: CANCELLATION OF REDEEMABLE SHARES BY REDEMPTION OR PURCHASE.

When redeemable shares of a corporation are redeemed or purchased by the corporation, the redemption or purchase shall effect a cancellation of such shares, and a statement of cancellation shall be filed as provided in this section. Thereupon such shares shall be restored to the status of authorized but unissued shares, unless the articles of incorporation provide that such shares when redeemed or purchased shall not be reissued, in which case the filing of the statement of cancellation shall constitute an amendment to the articles of incorporation and shall reduce the number of shares of the class so cancelled which the corporation is authorized to issue by the number of shares so cancelled.

The statement of cancellation shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

- (a) The name of the corporation.
- (b) The number of redeemable shares cancelled through redemption or purchase, itemized by classes and series.
- (c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.
- (d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.
- (e) If the articles of incorporation provide that the cancelled shares shall not be reissued, the number of shares which the corporation will have authority to issue itemized by classes and series, after giving effect to such cancellation.

Such statement of cancellation and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such statement of cancellation conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (1) Endorse on such statement and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (2) File the statement of cancellation in his office and certify the two copies thereof.

(3) Return one certified copy of the statement of cancellation to the corporation or its representative.

(4) Promptly transmit the other certified copy of the statement of cancellation to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the filing of such statement of cancellation by the Secretary of State, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled.

Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this Act.

SECTION 79: CANCELLATION OF OTHER REACQUIRED SHARES.

A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it, other than redeemable shares redeemed or purchased, and in such event a statement of cancellation shall be filed as provided in this section.

The statement of cancellation shall be executed for the corporation by its president and a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

(a) The name of the corporation.

(b) The number of reacquired shares cancelled by resolution duly adopted by the board of directors, itemized by classes and series, and the date of its adoption.

(c) The aggregate number of issued shares, itemized by classes and series, after giving effect to such cancellation.

(d) The amount, expressed in dollars, of the stated capital of the corporation after giving effect to such cancellation.

Such statement of cancellation and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such statement of cancellation conforms to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on such statement of cancellation and each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the statement of cancellation in his office and certify the two copies thereof.

(3) Return one certified copy of the statement of cancellation to the corporation or its representative.

(4) Promptly transmit the other certified copy of the statement of cancellation to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the filing of such statement of cancellation by the Secretary of State, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so cancelled, and the shares so cancelled shall be restored to the status of authorized but unissued shares.

Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this Act.

SECTION 80: REDUCTION OF STATED CAPITAL IN CERTAIN CASES.

A reduction of the stated capital of a corporation, where such reduction is not accompanied by any action requiring an amendment of the articles of incorporation and not accompanied by a cancellation of shares, may be made in the following manner:

(A) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(B) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation in the amount and manner proposed by the board of directors, shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(C) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the question of approving the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed for the corporation by its president, or a vice president, and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall set forth:

- (a) The name of the corporation.
- (b) A copy of the resolution of the shareholders approving such reduction, and the date of its adoption.
- (c) The number of shares outstanding, and the number of shares entitled to vote thereon.
- (d) The number of shares voted for and against such reduction, respectively.
- (e) A statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital of the corporation after giving effect to such reduction.

Such statement and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on such statement and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the statement in his office and certify the two copies thereof.

(3) Return one certified copy of this statement to the corporation or its representative.

(4) Promptly transmit the other certified copy of the statement to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the filing of such statement by the Secretary of State, the stated capital of the corporation shall be reduced as therein set forth.

No reduction of stated capital shall be made under the provisions of this section which would reduce the amount of the aggregate stated capital of the corporation to an amount equal to or less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

SECTION 81: SPECIAL PROVISIONS RELATING TO SURPLUS AND RESERVES.

The surplus, if any, created by or arising out of a reduction of the stated capital of a corporation shall be capital surplus.

The capital surplus of a corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the earned surplus of the corporation be transferred to capital surplus.

A corporation may, by resolution of its board of directors, apply any part or all of its capital surplus to the reduction or elimination of any deficit arising from losses, however incurred, but only after first eliminating the earned surplus, if any, of the corporation by applying such losses against earned surplus and only to the extent that such losses exceed the earned surplus, if any. Each such application of capital surplus shall, to the extent thereof, effect a reduction of capital surplus.

A corporation may, by resolution of its board of directors, create a reserve or reserves out of its earned surplus for any proper purpose or purposes, and may abolish any such reserve in the same manner. Earned surplus of the corporation to the extent so reserved shall not be available for the payment of dividends or other distributions by the corporation except as expressly permitted by this Act.

SECTION 82: PROCEDURE FOR MERGER.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this Act.

The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(b) The terms and conditions of the proposed merger.

(c) The manner and basis of converting the shares of each corporation into shares, obligations or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

(d) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(e) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

SECTION 83: PROCEDURE FOR CONSOLIDATION.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this Act.

The board of directors of each corporation shall, by a resolution adopted by each such board, approve a plan of consolidation setting forth:

(a) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(b) The terms and conditions of the proposed consolidation.

(c) The manner and basis of converting the shares of each corporation into shares, obligations or other securities of the new corporation or of any other corporation or, in whole or in part, into cash or other property.

(d) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Act.

(e) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

SECTION 84: APPROVAL BY SHAREHOLDERS.

The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this Act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes is to consider the proposed plan of merger or consolidation. A copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice.

At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon of each such corporation, unless any class of shares of any such corporation is entitled to vote thereon as a class, in which event, as to such corporation, the plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon. Any class of

shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provisions which, if contained in a proposed amendment to articles of incorporation, would entitle such class of shares to vote as a class.

After such approval by a vote of the shareholders of each corporation, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

SECTION 85: ARTICLES OF MERGER OR CONSOLIDATION.

Upon such approval, articles of merger or articles of consolidation shall be executed for each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation.

(b) As to each corporation whose shareholders were required to vote thereon, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(c) As to each corporation whose shareholders were required to vote thereon, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.

The articles of merger or articles of consolidation, two copies thereof and such additional number of copies as may be required for purposes of this section, shall be delivered to the Secretary of State. If the Secretary of State finds that such articles conform to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the articles in his office and certify the copies thereof.

(3) Issue a certificate of merger or a certificate of consolidation to which he shall affix one certified copy of the articles, and return such certificate of merger or certificate of consolidation together with the certified copy of the articles affixed thereto to the surviving or new corporation, as the case may be, or its representative.

(4) Promptly transmit a certified copy of the articles of merger or articles of consolidation together with a copy of the certificate of merger or certificate of consolidation to the Office of the Probate Judge of the county in which each of the corporations had its registered office, there to be recorded in a book to be kept for that purpose.

The certificate of merger or certificate of consolidation, together with a copy of the articles certified and affixed thereto by the Secretary of State, shall be returned to the surviving or new corporation, as the case may be, or its representative.

SECTION 86: MERGER OF SUBSIDIARY CORPORATION.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, any corporation owning at least eighty per cent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(A) The name of the subsidiary corporation and the name of the corporation owning at least eighty per cent of its shares, which is hereinafter designated as the surviving corporation.

(B) The manner and basis of converting the shares of the subsidiary corporation into shares, obligations or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

Articles of merger shall be executed for the surviving corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation, or upon the waiver thereof by the holders of all outstanding shares, the articles of merger, two copies thereof and such additional number of copies as may be required for purposes of this section, shall be delivered to the Secretary of State. If the Secretary of State finds that such articles conform to the law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles and on each of such copies the word "Filed", and the hour, day, month and year of filing thereof.

(2) File the articles of merger in his office and certify the copies thereof.

(3) Issue a certificate of merger to which he shall affix one of the certified copies of the articles of merger and return such certificate of merger with the certified articles of merger affixed thereto to the surviving corporation or its representative.

(4) Promptly transmit a certified copy of the articles of merger together with a certificate of merger to the Office of the Probate Judge of the counties in which each of the corporations had its registered office, there to be recorded in a book to be kept for that purpose.

SECTION 87: EFFECT OF MERGER OR CONSOLIDATION.

Upon the issuance of the certificate of merger or the certificate of consolidation by the Secretary of State, the merger or consolidation shall be effected.

When such merger or consolidation has been effected:

(a) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(b) The existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporations, shall cease.

(c) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Act.

(d) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, of a public as well as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(e) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(f) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this Act shall be deemed to be the original articles of incorporation of the new corporation.

SECTION 88: MERGER OR CONSOLIDATION OF DOMESTIC AND FOREIGN CORPORATIONS.

Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, one or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of this Act with respect to the merger or consolidation, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(b) If the surviving or new corporation, as the case may be, in a merger or consolidation, is to be governed by the laws of any state other than this State, it shall comply, to the extent it is not then in compliance therewith, with the provisions of this Act with respect to foreign corporations if it is to transact business in this State, and in every case it shall file with the Secretary of State of this State:

(1) An agreement that it may be served with process in this State in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(2) An irrevocable appointment of the Secretary of State of this State as its agent to accept service of process in any such proceeding; and

(3) An agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this Act with respect to the rights of dissenting shareholders.

The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this State. If the surviving or new corporation is to be governed by the laws of any state other than this State, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other state provided otherwise.

At any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

SECTION 89: SALE OF ASSETS IN REGULAR COURSE OF BUSINESS AND MORTGAGE OR PLEDGE OF ASSETS.

The sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation in the usual and regular course of its business and the mortgage or pledge of any or all property and assets of a corporation whether or not in the usual and regular course of business may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of cash or other property, including shares, obligations or other securities of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in any such case no authorization or consent of the shareholders shall be required, unless required by the provisions of the Constitution of Alabama as the same may be amended from time to time.

SECTION 90: SALE OF ASSETS OTHER THAN IN REGULAR COURSE OF BUSINESS.

A sale, lease, exchange, or other disposition, other than a mortgage or pledge as provided in section 89, of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of cash or other property, including shares, obligations or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this Act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one of the purposes is to consider the proposed sale, lease, exchange, or other disposition.

(c) At such meeting the shareholders may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of a majority of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event such authorization shall require the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote as a class thereon and of the total shares entitled to vote thereon.

(d) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

SECTION 91: RIGHT OF SHAREHOLDERS TO DISSENT.

Any shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(a) Any plan of merger or consolidation to which the corporation is a party; or

(b) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale.

A shareholder may dissent as to less than all of the shares registered in his name. In that event, his rights shall be determined as if the shares as to which he has dissented and his other shares were registered in the names of different shareholders.

This section shall not apply to the shareholders of the surviving corporation in a merger if a vote of the shareholders of such corporation is not necessary to authorize such merger. Nor shall it apply to the holders of shares of any class or series if the shares of such class or series were registered on a national securities exchange on the date fixed to determine the shareholders entitled to vote at the meeting of shareholders at which a plan of merger or consolidation or a proposed sale or exchange of property and assets is to be acted upon unless the articles of incorporation of the corporation shall otherwise provide.

SECTION 92: RIGHTS OF DISSENTING SHAREHOLDERS.

Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten days after the date on which the vote was taken or if a corporation is to be merged without a vote of its shareholders into another corporation, any of its shareholders may, within fifteen days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the applicable ten-day or fifteen-day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

No such demand may be withdrawn unless the corporation shall consent thereto. If, however, such demand shall be withdrawn upon consent, or if the proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action, or if, in the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger, or if no demand or petition for the determination of fair value by a court shall have been made or filed within the time provided in this section, or if a court of competent jurisdiction shall determine that such shareholder is not entitled to the relief provided by this section, then the right of such shareholder to be paid the fair value of his shares shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If within thirty days after the date on which such corporate action was effected the fair value of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected,

upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

If within such period of thirty days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting shareholder given within sixty days after the date on which such corporate action was effected, shall, or at its election at any time within such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this State where the registered office of the corporation is located requesting that the fair value of such shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this State, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. A copy of the petition shall be served on each dissenting shareholder who is a resident of this State and shall be served by registered or certified mail on each dissenting shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders is failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the shareholder in the proceeding.

Within twenty days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates representing his shares to the corporation for notation thereon that such

demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by such corporation as in the case of other treasury shares, except that, in the case of a merger or consolidation, they may be held and disposed of as the plan of merger or consolidation may otherwise provide.

SECTION 93: VOLUNTARY DISSOLUTION BY INCORPORATORS.

A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time in the following manner:

(a) Articles of dissolution and two copies thereof shall be executed by a majority of the incorporators, and verified by them, and shall set forth:

- (1) The name of the corporation.
- (2) The date of issuance of its certificate of incorporation.
- (3) That none of its shares has been issued.
- (4) That the corporation has not commenced business.

(5) That the amount, if any, actually paid in or subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.

(6) That no debts of the corporation remain unpaid.

(7) That a majority of the incorporators elect that the corporation be dissolved.

(b) The articles of dissolution and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that the articles of dissolution conform to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles of dissolution and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the articles of dissolution in his office and certify the two copies thereof.

(3) Issue a certificate of dissolution to which he shall affix one certified copy of the articles of dissolution and return such certificate of dissolution with the certified copy of the articles of dissolution affixed thereto to the incorporators or their representative.

(4) Promptly transmit the other certified copy of the articles of dissolution together with a copy of the certificate of dissolution to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the issuance of such certificate of dissolution by the Secretary of State, the existence of the corporation shall cease.

SECTION 94: VOLUNTARY DISSOLUTION BY CONSENT OF SHAREHOLDERS.

A corporation may be voluntarily dissolved by the written consent of all of its shareholders.

Upon the execution of such written consent, a statement of intent to dissolve shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation.
- (b) The names and respective addresses of its officers.
- (c) The names and respective addresses of its directors.
- (d) A copy of the written consent signed by all shareholders of the corporation.
- (e) A statement that such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

SECTION 95: VOLUNTARY DISSOLUTION BY ACT OF CORPORATION.

A corporation may be dissolved by the act of the corporation, when authorized in the following manner:

- (a) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.
- (b) Written notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or special meeting, shall state that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation.
- (c) At such meeting a vote of shareholders entitled to vote thereat shall be taken on a resolution to dissolve the corporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the resolution shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(d) Upon the adoption of such resolution, a statement of intent to dissolve shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (1) The name of the corporation.
- (2) The names and respective addresses of its officers.
- (3) The names and respective addresses of its directors.
- (4) A copy of the resolution adopted by the shareholders authorizing the dissolution of the corporation.
- (5) The number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.
- (6) The number of shares voted for and against the resolution, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against the resolution, respectively.

SECTION 96: FILING OF STATEMENT OF INTENT TO DISSOLVE

The statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, and two copies thereof, shall be delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (a) Endorse on the statement of intent to dissolve and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) File the statement of intent to dissolve in his office and certify the two copies thereof.
- (c) Return one certified copy of the statement of intent to dissolve to the corporation or its representative.
- (d) Promptly transmit the other certified copy of the statement of intent to dissolve to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

SECTION 97: EFFECT OF STATEMENT OF INTENT TO DISSOLVE.

Upon the filing by the Secretary of State of a statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, the corporation shall cease to carry on its business, except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until a certificate of dissolution has been issued by the Secretary of State or until a decree dissolving the corporation has been entered by a court of competent jurisdiction as in the Act provided.

SECTION 98: PROCEDURE AFTER FILING OF STATEMENT OF INTENT TO DISSOLVE.

After the filing by the Secretary of State of a statement of intent to dissolve:

(a) The corporation shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

(b) The corporation, at any time during the liquidation of its business and affairs, may make application to a court of competent jurisdiction within the state and judicial subdivision in which the registered office or principal place of business of the corporation is situated, to have the liquidation continued under the supervision of the court as provided in this Act.

SECTION 99: REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS BY CONSENT OF SHAREHOLDERS.

By the written consent of all of its shareholders, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Secretary of State, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

Upon the execution of such written consent, a statement of revocation of voluntary dissolution proceedings shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

(a) The name of the corporation.

(b) The names and respective addresses of its officers.

(c) The names and respective addresses of its directors.

(d) A copy of the written consent signed by all shareholders of the corporation revoking such voluntary dissolution proceedings.

(e) That such written consent has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized.

SECTION 100: REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS BY ACT OF CORPORATION.

By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Secretary of State, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

(a) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of shareholders.

(b) Written notice, stating that the purpose or one of the purposes of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of special meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote thereat shall be taken on a resolution to revoke the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of a majority of the shares entitled to vote thereon.

(d) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (1) The name of the corporation.
- (2) The names and respective addresses of its officers.
- (3) The names and respective addresses of its directors.
- (4) A copy of the resolution adopted by the shareholders revoking the voluntary dissolution proceedings.
- (5) The number of shares outstanding.
- (6) The number of shares voted for and against the resolution, respectively.

SECTION 101: FILING OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS.

The statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to law, he shall, when all fees prescribed in this Act have been paid:

- (a) Endorse on the statement of revocation of voluntary dissolution proceedings and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) File the statement of revocation of voluntary dissolution proceedings in his office and certify the two copies thereof.
- (c) Return one certified copy of the statement of revocation of voluntary proceedings to the corporation or its representative.
- (d) Promptly transmit the other certified copy of the statement of revocation of voluntary proceedings to the Office of the Probate Judge of the County in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

SECTION 102: EFFECT OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS.

Upon the filing by the Secretary of State of a statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may again carry on its business.

SECTION 130: ARTICLES OF DISSOLUTION.

If voluntary dissolution proceedings have not been revoked, then when all known debts, liabilities and obligations of the corporation have been paid and discharged, or adequate provision has been made therefor, and all of the

remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed for the corporation by its president or a vice president and by its secretary or by an assistant secretary, and verified by one of the officers signing such statement, which statement shall set forth:

- (a) The name of the corporation.
- (b) That the Secretary of State has theretofore filed a statement of intent to dissolve the corporation, and the date on which such statement was filed.
- (c) That all known debts, obligations and liabilities of the corporation have been paid and discharged or that adequate provisions has been made therefor.
- (d) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.
- (e) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

SECTION 104: FILING OF ARTICLES OF DISSOLUTION.

The articles of dissolution and two copies thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such articles of dissolution conform to law, he shall, when all fees and franchise taxes have been paid to the State of Alabama as required by law:

- (a) Endorse on the articles of dissolution and on each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) File the articles of dissolution in his office and certify the two copies thereof.
- (c) Issue a certificate of dissolution to which he shall affix one certified copy of the articles of dissolution, and return such certificate of dissolution with the certified copy of the articles of dissolution affixed thereto to the representative of the dissolved corporation.
- (d) Promptly transmit the other certified copy of the articles of dissolution together with a copy of the certificate of dissolution to the Office of the Probate Judge of the county in which the corporation has its registered office, there to be recorded in a book to be kept for that purpose.

Upon the issuance of such certificate of dissolution by the Secretary of State, the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this Act.

SECTION 105: INVOLUNTARY DISSOLUTION.

A corporation may be dissolved involuntarily by an order of the circuit court of the county in which the registered office of the corporation is situated in an action filed by the Attorney General when it is established that:

- (a) The corporation has failed to file its annual report within the time required by this Act, or has failed to pay its franchise tax on or before the expiration of six months after the date on which such franchise tax becomes due and payable; or

(b) The corporation procured its articles of incorporation through fraud; or

(c) The corporation has repeatedly and wilfully exceeded or abused the authority conferred upon it by law; or

(d) The corporation has failed for thirty days to appoint and maintain a registered agent in this State; or

(e) The corporation has failed for thirty days after change of its registered office or registered agent to file in the Office of the Secretary of State a statement of such change.

SECTION 106: NOTIFICATION TO ATTORNEY GENERAL AND SECRETARY OF STATE.

The Commissioner of Revenue, on or before the last day of December of each year, shall certify to the Attorney General and to the Secretary of State the names of all corporations which have failed to file their annual reports or to pay franchise taxes, together with the facts pertinent thereto. He shall also certify, from time to time, the names of all corporations which have given other cause or dissolution as provided in this Act, together with the facts pertinent thereto. Whenever the Commission of Revenue shall certify the name of a corporation to the Attorney General as having given any cause for dissolution, the Commissioner of Revenue shall concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the Attorney General shall file an action in the name of the State against such corporation for its dissolution. Every such certificate from the Commissioner of Revenue to the Attorney General pertaining to the failure of a corporation to file an annual report or pay a franchise tax shall be taken and received in all courts as prima facie evidence of the facts therein stated. If, before action is filed, the corporation shall file its annual report or pay its franchise tax, together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this Act, or shall file with the Secretary of State the required statement of change of registered office or registered agent, such fact shall be forthwith certified by the Commissioner of Revenue or the Secretary of State to the Attorney General and he shall not file an action against such corporation for such cause. If, after action is filed, the corporation shall file its annual report or pay its franchise tax, together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this Act, or shall file with the Secretary of State the required statement of change of registered office or registered agent, and shall pay the cost of such action, the action for such cause shall abate.

SECTION 107: VENUE AND PROCESS.

Every action for the involuntary dissolution of a corporation shall be commenced by the Attorney General in the circuit court of the county in which the registered office of the corporation is situated. Summons shall issue and be served as in other civil actions. If process is returned not found, the Attorney General shall cause service to be made by publication as in other civil cases in some newspaper published in the county where the registered office of the corporation is situated.

SECTION 108: JURISDICTION OF COURT TO LIQUIDATE ASSETS AND BUSINESS OF CORPORATION.

The circuit court of the county in which the registered office of the corporation is situated shall have full power to liquidate the assets and business of a corporation:

(a) In an action by a shareholder when it is established:

(1) That the directors are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock, and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

(2) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(3) That the shareholders are deadlocked in voting power, and have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired upon the election of their successors; or

(4) That the corporate assets are being misapplied or wasted; or

(5) That the corporation is insolvent.

(b) In an action by a creditor:

(1) When the claim of the creditor has been reduced to judgment and an execution thereof returned unsatisfied and it is established that the corporation is insolvent; or

(2) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(c) Upon application by a corporation which has filed a statement of intent to dissolve, as provided in this Act, to have its liquidation continued under the supervision of the court.

(d) When an action has been filed by the Attorney General to dissolve a corporation and it is established that liquidation of its business and affairs should precede the entry of a decree of dissolution.

Proceedings under this section shall be brought in the county in which the registered office of the corporation is situated.

It shall not be necessary to make shareholders parties to any such action or proceeding unless relief is sought against them personally.

SECTION 109: PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT.

In proceedings to liquidate the assets and business of a corporation the court shall have power to issue restraining orders or injunctions, to appoint a receiver or receivers pendente lite, with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by subscribers on account of any unpaid portion of the consideration for the issuance of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the

proceeds resulting from a sale, conveyance or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

The court shall have power to allow from time to time as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceedings, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets.

A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

SECTION 110: QUALIFICATIONS OF RECEIVERS.

A receiver shall in all cases be a natural person, a partnership, a professional association or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this State, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

SECTION 111: FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS.

In proceedings to liquidate the assets and business of a corporation, the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

SECTION 112: DISCONTINUANCE OF LIQUIDATION PROCEEDINGS.

The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

SECTION 113: ORDER OF INVOLUNTARY DISSOLUTION.

In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts and obligations, all the property and assets have been applied

so far as they will go to their payment, the court shall enter an order dissolving the corporation, whereupon the existence of the corporation shall cease.

SECTION 114: FILING OF ORDER OF DISSOLUTION.

In case the court shall enter an order dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the order to be filed with the Secretary of State. No fee shall be charged by the Secretary of State for the filing thereof. The Secretary of State promptly shall transmit a certified copy of the order to the Office of the Probate Judge of the county in which the registered office of the corporation is located, there to be recorded in a book to be kept for that purpose.

SECTION 115: DEPOSIT WITH COMMISSIONER OF REVENUE OF AMOUNT DUE CERTAIN SHAREHOLDERS.

Upon the voluntary or involuntary dissolution of a corporation, the portion of the assets distributable to a creditor or shareholder who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, shall be reduced to cash and deposited with the Commissioner of Revenue and shall be paid over to such creditor or shareholder or to his legal representative upon proof satisfactory to the Commissioner of Revenue of his right thereto.

SECTION 116: SURVIVAL OF REMEDY AFTER DISSOLUTION.

The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the Secretary of State, or (2) by a decree of court when the court has not liquidated the assets and business of the corporation as provided in this Act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

SECTION 117: ADMISSION OF FOREIGN CORPORATION.

No foreign corporation shall have the right to transact business in this State until it shall have procured a certificate of authority so to do from the Secretary of State. No foreign corporation shall be entitled to procure a certificate of authority under this Act to transact in this State any business which a corporation organized under this Act is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this State, and nothing in this act contained shall be construed to authorize this State to regulate the organization or the internal affairs of such corporation.

SECTION 118: POWERS OF FOREIGN CORPORATION.

A foreign corporation which shall have received a certificate of authority under this Act shall, until a certificate of revocation or of withdrawal shall

have been issued as provided in this Act, enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and, except as in this Act otherwise provided, shall be subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

SECTION 119: CORPORATE NAME OF FOREIGN CORPORATION.

No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:

(a) Shall contain the word "corporation", "company," or "incorporated" or shall contain an abbreviation of one of such words, or such corporation shall, for use in this State, add at the end of its name one of such words or an abbreviation thereof.

(b) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking, a trust company, or insurance, unless it be authorized or empowered to conduct the business of banking, a trust company or insurance.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this State or any foreign corporation authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act, or the name of a corporation which has in effect a registration of its name as provided in this Act except that this provision shall not apply if the foreign corporation applying for a certificate of authority files with the Secretary of State any one of the following:

(1) A resolution of its board of directors adopting a fictitious name for use in transacting business in this State which fictitious name is not deceptively similar to the name of any domestic corporation or of any foreign corporation authorized to transact business in this State or to any name reserved or registered as provided in this Act, or

(2) The written consent of such other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make such name distinguishable from such other name, or

(3) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of such foreign corporation to the use of such name in this State.

SECTION 120: CHANGE OF NAME BY FOREIGN CORPORATION.

Whenever a foreign corporation which is authorized to transact business in this State shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter transact any business in this State until it has changed its name to a name which is available to it under the laws of this State or has otherwise complied with the provisions of this Act.

SECTION 121: APPLICATION FOR CERTIFICATE OF AUTHORITY.

A foreign corporation, in order to procure a certificate of authority to transact business in this State, shall make application therefor to the Secretary of State, which application shall set forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) If the name of the corporation does not contain the word "corporation", "company," "or incorporated", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this State.

(c) The date of incorporation and the period of duration of the corporation.

(d) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(e) The address of the proposed registered office of the corporation in this State, and the name of its proposed registered agent in this State at such address.

(f) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this State, which may include the transaction of any or all lawful business for which corporations may be organized under this Act.

(g) The names and respective addresses of the directors and officers of the corporation.

(h) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(i) A statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(j) A statement, expressed in dollars, of the amount of stated capital of the corporation, as defined in this Act.

(k) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine whether such corporation is entitled to a certificate of authority to transact business in this State and to determine and assess the fees payable as in this Act prescribed.

Such application shall be made on forms prescribed and furnished by the Secretary of State and shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such application.

SECTION 122: FILING OF APPLICATION FOR CERTIFICATE OF AUTHORITY.

The application of the corporation for a certificate of authority and one copy thereof shall be delivered to the Secretary of State, together with a certified copy of its articles of incorporation and all amendments thereto.

If the Secretary of State finds that such application conforms to law, he shall, when all fees prescribed in this Act have been paid:

(a) Endorse on such application and on the copy thereof the word "Filed", and the hour, day, month and year of the filing thereof.

(b) File in his office the application and the certified copy of the articles of incorporation and amendments thereto and certify the copy of such application.

(c) Issue a certificate of authority to transact business in this State to which he shall affix the copy of the application, and return such certificate of authority with the certified copy of the application affixed thereto to the corporation or its representative.

SECTION 123: EFFECT OF CERTIFICATE OF AUTHORITY.

Upon the issuance of a certificate of authority by the Secretary of State, the corporation shall be authorized to transact business in this State for those purposes set forth in its application, subject, however, to the right of this State to suspend or to revoke such authority as provided in this Act.

SECTION 124: REGISTERED OFFICE AND REGISTERED AGENT OF FOREIGN CORPORATION.

Each foreign corporation authorized to transact business in this State shall have and continuously maintain in this State:

(a) A registered office which may be, but need not be, the same as its place of business in this State.

(b) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

SECTION 125: CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT OF FOREIGN CORPORATION.

A foreign corporation authorized to transact business in this State may change its registered office or change its registered agent, or both, upon filing in the Office of the Secretary of State a statement setting forth:

(a) The name of the corporation

(b) The address of its then registered office.

(c) If the address of its registered office be changed, the address to which the registered office is to be changed.

(d) The name of its then registered agent.

(e) If its registered agent be changed, the name of its successor registered agent.

(f) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

Such statement shall be executed for the corporation by its president or a vice president, and verified by him, and delivered to the Secretary of State. If the Secretary of State finds that such statement conforms to the provisions of

this Act, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the Secretary of State, who shall forthwith mail a copy thereof to the corporation at its principal office in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the Secretary of State.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to (e) and must recite that a copy of the statement has been mailed to the corporation.

SECTION 126: SERVICE OF PROCESS ON FOREIGN CORPORATION.

The registered agent so appointed by a foreign corporation authorized to transact business in this State shall be an agent of such corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

Whenever a foreign corporation authorized to transact business in this State shall fail to appoint or maintain a registered agent in this State, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, or whenever the certificate of authority of a foreign corporation shall be suspended or revoked, then it may be served as provided by the Alabama Rules of Civil Procedure.

Nothing herein contained shall limit or affect the right to serve any process, notice or demand, required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

SECTION 127: AMENDMENT TO ARTICLES OF INCORPORATION OF FOREIGN CORPORATION.

Whenever the articles of incorporation of a foreign corporation authorized to transact business in this State are amended, such foreign corporation shall, within thirty days after such amendment becomes effective, file in the office of the Secretary of State a copy of such amendment duly authenticated by the proper office of the state or country under the laws of which it is incorporated; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in this State, nor authorize such corporation to transact business in this State under any other name than the name set forth in its certificate of authority.

SECTION 128: MERGER OF FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE; EFFECT OF MERGER OR CONSOLIDATION OF FOREIGN CORPORATIONS.

Whenever a foreign corporation authorized to transact business in this State shall be a party to a statutory merger permitted by the laws of the state or country under the laws of which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty days after such merger becomes effective, file with the Secretary of State a copy of the articles

of merger duly authenticated by the proper officer of the state or country under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in this State unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this State other or additional purposes than those which it is then authorized to transact in this State.

The effect of a merger or consolidation of two or more foreign corporations shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of the state or states under the laws of which the merger or consolidation was effected provide otherwise; provided, however, that a foreign corporation resulting from any consolidation of two or more foreign corporations, or a foreign corporation surviving any merger or two or more foreign corporations, that is not at the time of such consolidation or merger authorized to transact business in this State, shall not thereafter do any business in this State without first obtaining a certificate of authority to transact business in this State in the manner provided by the laws of this State.

SECTION 129: AMENDED CERTIFICATE OF AUTHORITY.

A foreign corporation authorized to transact business in this State shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this State other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Secretary of State.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing thereof with the Secretary of State, and issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

SECTION 130: WITHDRAWAL OF FOREIGN CORPORATION.

A foreign corporation authorized to transact business in this State may withdraw from this State upon procuring from the Secretary of State a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the Secretary of State an application for withdrawal, which shall set forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) That the corporation is not transacting business in this State.

(c) That the corporation surrenders its authority to transact business in this State.

(d) That the corporation revokes the authority of its registered agent in this State to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this State during the time the corporation was authorized to transact business in this State may thereafter be made on such corporation by service thereof on the Secretary of State.

(e) A post-office address to which the Secretary of State may mail a copy of any process against the corporation that may be served on him.

(f) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine and assess any unpaid fees payable by such foreign corporation as in this Act prescribed.

The application for withdrawal shall be made on forms prescribed and furnished by the Secretary of State and shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

SECTION 131: FILING OF APPLICATION FOR WITHDRAWAL.

The application for withdrawal and one copy thereof shall be delivered to the Secretary of State. If the Secretary of State finds that such application conforms to the provisions of this Act, he shall, when all fees prescribed in this Act and franchise taxes have been paid:

- (a) Endorse on such application and on the copy thereof the word "Filed", and the hour, day, month and year of the filing thereof.
- (b) File the application in his office and certify the copy of the application.
- (c) Issue a certificate of withdrawal to which he shall affix the certified copy of the application, and return such certificate of withdrawal with the certified copy of the application affixed thereto to the corporation or its representative.

Upon the issuance of such certificate of withdrawal by the Secretary of State, the authority of the corporation to transact business in this State shall cease.

SECTION 132: REVOCATION OF CERTIFICATE OF AUTHORITY.

The certificate of authority of a foreign corporation to transact business in this State may be revoked by the Secretary of State upon the conditions prescribed in this section when:

- (a) The corporation has failed to file its annual report within the time required by this Act, or has failed to pay any fees, franchise taxes or penalties prescribed by law when they have become due and payable; or
- (b) The corporation has failed to appoint and maintain a registered agent in this State as required by this Act; or
- (c) The corporation has failed, after change of its registered office or registered agent, to file in the office of the Secretary of State a statement of such change as required by this Act; or
- (d) The corporation has failed to file in the office of the Secretary of State certified copies of any amendment to its articles of incorporation or certified copies of any articles of merger within the time prescribed by this Act; or
- (e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this Act.

No certificate of authority of a foreign corporation shall be revoked by the Secretary of State unless (1) he shall have given the corporation not less than 60 days' notice thereof by mail addressed to its registered office in this State, and (2) the corporation, having exhausted its administrative and

judicial remedies, shall fail prior to revocation to file such annual report, or pay such fees, franchise taxes or penalties, or file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation.

SECTION 133: ISSUANCE OF CERTIFICATE OF REVOCATION.

Upon revoking any such certificate of authority, the Secretary of State shall:

- (a) Issue a certificate of revocation.
- (b) File the certificate of revocation in his office and certify a copy thereof.
- (c) Mail to such corporation at its registered office in this State a notice of such revocation accompanied by the certified copy of the certificate of revocation.

Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in this State shall cease.

SECTION 134: APPLICATION TO CORPORATIONS HERETOFORE AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE.

Foreign corporations which are duly authorized to transact business in this State at the time this Act takes effect, for a purpose or purposes for which a corporation might secure such authority under this Act, shall be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this State under this Act and from the time this Act takes effect such corporations shall be subject to all the limitations, restrictions, liabilities and duties prescribed herein for foreign corporations procuring certificates of authority to transact business in this State under this Act.

SECTION 135: TRANSACTING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY.

No foreign corporation transacting business in this State without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this State until such corporation shall have obtained a certificate of authority. Nor shall any action, suit or proceeding be maintained in any court of this State by any successor or assignee of such corporation on any right, claim or demand arising out of the transaction of business by such corporation in this State, until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all of its assets.

The failure of a foreign corporation to obtain a certificate of authority to transact business in this State shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action, suit or proceeding in any court of this State.

A foreign corporation which transacts business in this State without a certificate of authority shall be liable to this State, for the years or parts thereof during which it transacted business in this State without a certificate of authority, in an amount equal to all fees and taxes which would have been imposed upon such corporation had it duly applied for and received a certificate of authority to transact business in this State as required by this Act and thereafter filed all reports required by this Act, plus all penalties imposed for failure to pay such fees and taxes. The Attorney General shall bring proceedings to recover all amounts due this State under the provisions of this Section.

SECTION 136: ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS.

Each domestic corporation, and each foreign corporation authorized to transact business in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) The address of the registered office of the corporation in this State, and the name of its registered agent in this State at such address, and, in case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(c) A brief statement of the character of the business in which the corporation is actually engaged in this State.

(d) The names and respective addresses of the president and secretary of the corporation.

Such annual report shall be made on prescribed forms and the information therein contained shall be given as of the date of the execution of the report. It shall be executed for the corporation by its president, a vice president, secretary, an assistant secretary, or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

SECTION 137: FILING OF ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS.

Such annual report of a domestic or foreign corporation shall be delivered to the Secretary of State between the first day of January and the fifteenth day of March of each year except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the fifteenth day of March of the year, next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the Secretary of State. Proof to the satisfaction of the Secretary of State that prior to the fifteenth day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the Secretary of State finds that such report conforms to the requirements of this Act, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was mailed to the corporation by the Secretary of State.

SECTION 138: FEES, CHARGES AND PENALTIES TO BE COLLECTED BY SECRETARY OF STATE.

The Secretary of State shall charge and collect in accordance with the provisions of this Act:

(a) Fees for filing documents and issuing certificates.

(b) Miscellaneous charges and penalties imposed by this Act.

SECTION 139: FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES.

In lieu of all other charges and fees the Secretary of State shall charge and collect in accordance with the provisions of this Act:

(a) Filing articles of incorporation and issuing a certificate of incorporation, Fifty dollars for the State of Alabama and Twenty-Five dollars for the appropriate Probate Judge.

(b) Filing articles of corrections, Twenty-Five dollars for the State of Alabama and Ten dollars for the appropriate Probate Judge.

(c) Filing articles of amendment and issuing a certificate of amendment, Twenty-Five dollars for the State of Alabama and Ten dollars for the appropriate Probate Judge.

(d) Filing restated articles of incorporation, Seventy-Five dollars for the State of Alabama and Twenty-Five dollars for the appropriate Probate Judge.

(e) Filing articles of merger for consolidation and issuing a certificate of merger or consolidation, Seventy-Five dollars for the State of Alabama and Twenty-Five dollars for each appropriate Probate Judge.

(f) Filing an application to reserve a corporate name, Five dollars.

(g) Filing a notice of transfer of a reserved corporate name, Five dollars.

(h) Filing a statement of change of address of registered office or change of registered agent, or both, Five dollars.

(i) Filing a statement of the establishment of a series of shares, Five dollars for the State of Alabama and Five dollars for the appropriate Probate Judge.

(j) Filing a statement of cancellation of shares, Five dollars for the State of Alabama and Five dollars for the appropriate Probate Judge.

(k) Filing a statement of reduction of stated capital, Five dollars for the State of Alabama and Five dollars for the appropriate Probate Judge.

(l) Filing a statement of intent to dissolve, Five dollars for the State of Alabama and Five dollars for the appropriate Probate Judge.

(m) Filing a statement of revocation of voluntary dissolution proceedings, Five dollars for the State of Alabama and Five dollars for the appropriate Probate Judge.

(n) Filing articles of dissolution, Five Dollars for the State of Alabama and Five dollars for the appropriate Probate Judge.

(o) Filing an application of a foreign corporation for a certificate of authority to transact business in this State and issuing a certificate of authority, Seventy-Five dollars.

(p) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority, Twenty-Five dollars.

(q) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this State, Twenty-Five dollars.

(r) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, One Hundred dollars.

(s) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, Five dollars.

(t) Filing an annual report or any other statement or report, of a domestic or foreign corporation, Five dollars.

Two checks shall accompany the document, one payable to the State of Alabama for all charges for the Secretary of State and one covering all charges to the Office of the Probate Judge which will be forwarded by the Secretary of State to the appropriate Probate Judge.

The fees herein imposed shall be collected by the Secretary of State and paid into the Treasury of the State.

SECTION 140: MISCELLANEOUS CHARGES.

The Secretary of State shall charge and collect:

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, One Dollar Fifty cents per page and One Dollar Fifty cents for the certificate and affixing the seal thereto.

(b) At the time of any service of process on him as resident agent of a corporation, an amount as prescribed pursuant to law or rule of court.

SECTION 141: PENALTIES IMPOSED UPON CORPORATIONS.

Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this Act, or within 30 days after receipt of written notice of its failure to file its annual report, shall be subject to a penalty of ten per cent of the amount of the franchise tax assessed against it for the period of the year in which such report should have been filed or Five Hundred dollars whichever is the lesser.

SECTION 142: PENALTIES IMPOSED UPON OFFICERS AND DIRECTORS.

Each officer or director of a corporation, domestic or foreign, who signs any articles, statement, report, application or other document filed with the Secretary of State which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a misdemeanor, and upon receiving conviction thereof may be fined in any amount not exceeding five hundred dollars.

SECTION 161: LAW APPLICABLE TO CLOSE CORPORATIONS.

(a) Sections 161 through 174 of this Act apply to all close corporations, as defined in section 162 of this Act. Unless a corporation elects to become a close corporation in the manner prescribed, it shall be subject in all respects to the provisions of this Act, except sections 162 through 174 dealing with close corporations.

(b) All provisions of this Act shall be applicable to all close corporations as defined in section 162 herein except insofar as sections 162 through 174 otherwise provide.

(c) Neither election to become, nor operation as, a close corporation shall deprive any share holder of such corporation of the limitation of liability provided under section 25 of this Act.

SECTION 162: CLOSE CORPORATION DEFINED; CONTENTS OF ARTICLES OF INCORPORATION.

(a) A close corporation is a corporation organized under this Act whose articles of incorporation contain the provisions required by section 64 of this Act and, in addition, provide that:

(1) The corporation is a close corporation authorized by Sections 161 through 174 of this Act;

(2) All of the issued shares of all classes shall be subject to one or more of the restrictions on transfer permitted by section 23 of this Act; and

(3) For purposes of determining the number of holders of record of the stock of a close corporation, stock which is held in joint or common tenancy or by the entireties shall be treated as held by one shareholder.

(b) The articles of incorporation of a close corporation may set forth the qualifications of shareholders, either by specifying classes of persons who shall be entitled to be holders of record or shares of any class, or by specifying classes of persons who shall not be entitled to be holders of shares of any class or both.

(c) All of the corporation's issued shares of all classes, exclusive of treasury shares, shall be held of record by not more than a specified number of persons, not exceeding 30.

SECTION 163: FORMATION OF A CLOSE CORPORATION.

A close corporation shall be formed in accordance with sections 63 through 68 of this Act, except that such formation must be authorized by the affirmative vote of all holders of and subscribers to shares of the corporation, and:

(a) The articles of incorporation shall contain a heading stating the name of the corporation and that it is a close corporation, and

(b) The articles of incorporation shall contain the provisions required by section 162 of this Act, and

(c) Each certificate for shares shall conspicuously note the fact that the corporation is a close corporation and make reference to the restriction on transfer of shares set forth in the articles of incorporation.

SECTION 164: ELECTION OF EXISTING CORPORATION TO BECOME A CLOSE CORPORATION.

Any corporation subject to this Act may become a close corporation by amending its articles of incorporation to contain a statement that it elects to become a close corporation, to contain the provisions required by section 162 of this Act to appear in the articles of incorporation of a close corporation, and to contain a heading stating the name of the corporation and that it is a close corporation. Such amendment shall be adopted in accordance with the requirements of this Act, except that it must be approved by the unanimous affirmative vote of the holders of record of all the shares of each class of stock of the corporation which are outstanding.

SECTION 165: VOLUNTARY TERMINATION OF CLOSE CORPORATION STATUS BY AMENDMENT OF ARTICLES OF INCORPORATION; VOTE REQUIRED.

(a) A corporation may voluntarily terminate its status as a close corporation and cease to be subject to this article by amending its articles of incorporation to delete therefrom the additional provisions required or permitted by section 162 of this Act to be stated in the articles of incorporation of close corporation except such provisions as are permitted by this Act which the corporation chooses to retain. Any such amendment shall be adopted and shall become effective in accordance with section 74, of this Act, except that it must be approved by a vote of the holders of record of at least one-third of the shares of each class of stock of the corporation which are outstanding.

(b) The articles of incorporation of a close corporation may provide that on any amendment to terminate its status as a close corporation, a vote greater than one-third or a vote of all shares of any class shall be required; and if the certificate of incorporation contains such a provision, that provision shall not be amended, repealed or modified by any vote less than that required to terminate the corporation's status as a close corporation.

SECTION 166: ISSUANCE OR TRANSFER OF SHARES OF A CLOSE CORPORATION IN BREACH OF QUALIFYING CONDITIONS.

(a) If shares of a close corporation are issued or transferred to any person who is not entitled under any provision of the articles of incorporation permitted by section 162 of this Act to be a holder of record of shares of such corporation, and if the certificate for shares conspicuously notes the qualifications of the persons entitled to be holders of record thereof, such person is conclusively presumed to have notice of the fact of his ineligibility to be a shareholder.

(b) If a certificate for shares of any close corporation conspicuously notes the fact of a restriction on transfer of shares of the corporation and the restriction is one which is permitted by section 23 of this Act, the transferee of the shares is conclusively presumed to have notice of the fact that he has acquired shares in violation of the restriction, if such acquisition violates the restriction.

(c) Whenever any person to whom shares of a close corporation have been issued or transferred has, or is conclusively presumed under this section to have notice either that he is a person not eligible to be a holder of shares of the corporation, or that the transfer of shares is in violation of a restriction on transfer of shares, the corporation may, at its option, refuse to register transfer of the shares in to the name of the transferee in addition to any remedies which may be available under section 23 of this Act or otherwise.

(d) The provisions of subsection (c) shall not be applicable if the transfer of shares even though otherwise contrary to subsections (a) or (b), has been consented to by all the shareholders of the close corporation, or if the close corporation has amended its articles of incorporation in accordance with section 165 of this Act.

(e) The term "Transfer", as used in this section, is not limited to a transfer for value.

(f) The provisions of this section do not in any way impair any rights of a transferee regarding any right to rescind the transaction or to recover under any applicable warranty express or implied.

SECTION 167: CORPORATE OPTION WHERE A RESTRICTION ON TRANSFER OF SHARES IS HELD INVALID.

If a restriction on transfer of shares of a close corporation is held not to be authorized by section 23 of this Act, the corporation shall nevertheless have an option for a period of thirty days after the judgment setting aside the restriction becomes final, to acquire the restricted shares at a price which is agreed upon by the parties or if no agreement is reached as to price, then at the fair value as determined by the Circuit Court of the county in which the corporation has its registered office or any court in such place having jurisdiction. In order to determine fair value, the Court may appoint an appraiser to receive evidence and report to the Court his findings and recommendation as to fair value. The appraiser shall have such power and shall proceed, so far as applicable, in the same manner as appraisers appointed under Section 92 of this Act.

SECTION 168: AGREEMENTS RESTRICTING DISCRETION OF DIRECTORS.

A written agreement among the shareholders of a close corporation holding a majority of the outstanding shares entitled to vote, whether solely among themselves or with a party not a shareholder, is not invalid, as between the parties to the agreement, on the ground that it so relates to the conduct of the business and affairs of the corporation as to restrict or interfere with the discretion or powers of the board of directors. The effect of any such agreement shall be to relieve the directors and impose upon the shareholders who are parties to the agreement the liability for managerial acts or omissions which is imposed on directors to the extent and so long as the discretion or powers of the board in its management of corporate affairs is controlled by such agreement.

SECTION 169: MANAGEMENT BY SHAREHOLDERS.

The articles of incorporation of a close corporation may provide that the business of the corporation shall be managed by the shareholders of the corporation rather than by a board of directors. So long as this provision continues in effect,

- (1) No meeting of shareholders need be called to elect directors;
- (2) Unless the context clearly requires otherwise, the shareholders of the corporation shall be deemed to be directors for purposes of applying provisions of this article; and
- (3) The shareholders of the corporation shall be subject to all liabilities of directors.

Such a provision may be inserted in the articles of incorporation by amendment if all incorporators and subscribers or all holders of record of all of the outstanding shares, whether or not having voting power, authorize such a provision. An amendment to the articles of incorporation to delete such a provision shall be adopted by a vote of the holders of record of not less than one-third of all outstanding shares of the corporation, whether or not otherwise entitled to vote. If the articles of incorporation contain a provisions authorized by this section, the existence of such provisions shall be noted conspicuously on the face or back of every certificate for shares issued by such corporation.

SECTION 170: APPOINTMENT OF CUSTODIAN FOR CLOSE CORPORATION.

(a) The Circuit Court of the county in which the corporation has its registered office or any court in such place having jurisdiction, upon application of any shareholder, may appoint one or more persons to be custodians, and, if the corporation is insolvent, to be receivers, of any close corporation when:

(1) Pursuant to section 169 of this Act the business and affairs of the corporation are managed by the shareholders and they are so divided that the business of the corporation is suffering or is threatened with irreparable injury and any remedy with respect to such deadlock provided in the articles of incorporation or by-laws or in any written agreement of the shareholders has failed; or

(2) The petitioning shareholder has the right to the dissolution of the corporation under a provision of the articles of incorporation permitted by section 173 of this Act.

(b) In lieu of appointing a custodian for a close corporation under this section the court may appoint a provisional director, whose powers and status shall be as provided in section 171 of this Act if the Court determines that it would be in the best interest of the corporation. Such appointment shall not preclude any subsequent order of the Court appointing a custodian for such corporation.

(c) A custodian appointed under this section shall have all the powers of a receiver appointed under section 109 of this Act, but the authority of the custodian is to continue the business of the corporation and not to liquidate its affairs and distribute its assets, except when the court shall otherwise order.

SECTION 171: APPOINTMENT OF A PROVISIONAL DIRECTOR IN CERTAIN CASES.

(a) Notwithstanding any contrary provision of the articles of incorporation or the by-laws or agreement of the shareholders, the Circuit Court of the county in which the registered office of the corporation is located may appoint a provisional director for a close corporation if the directors are so divided respecting the management of the corporation's business and affairs that the votes required for action by the board of directors cannot be obtained with the consequence that the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally.

(b) An application for relief under this section must be filed (1) by at least one-half of the number of directors then in office, or (2) by the holders of at least one-third of all shares then entitled to elect directors, or, (3) if there be more than one class of shares then entitled to elect one or more directors, by the holders of two-thirds of the shares of any such class; but the articles of incorporation of a close corporation may provide that a lesser proportion of the directors or of the shareholders or of a class of shareholders may apply for relief under this section.

(c) A provisional director shall be an impartial person who is neither a shareholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation, and whose further qualifications, if any, may be determined by the Circuit Court of the county. A provisional director is not a receiver of the corporation and does not have the title and powers of a

custodian or receiver. A provisional director shall have all the rights and powers of a duly elected director of the corporation, including the right to notice of and to vote at meetings of directors, until such time as he shall be removed by order of the Circuit Court of the county or by the holders of a majority of all shares then entitled to vote to elect directors or by the holders of two-thirds of the shares of that class of voting shares which filed the application for appointment of a provisional director. His compensation shall be determined by agreement between him and the corporation subject to approval of the Circuit Court of the county, which may fix his compensation in the absence of agreement or in the event of disagreement between the provisional director and the corporation.

(d) Even though the requirements of subsection (b) of this section relating to the number of directors or shareholders who may petition for appointment of a provisional director are not satisfied, the Circuit Court of the county may nevertheless appoint a provisional director if permitted by subsection (b) of section 170 of this Act.

SECTION 172: SHAREHOLDERS' AGREEMENTS.

No written agreement among shareholders of a close corporation, nor any provision of the articles of incorporation or of the by-laws of the corporation, which agreement or provision relates to any phase of the affairs of such corporation, including but not limited to the management of its business or declaration and payment of dividends or other division of profits or the election of directors or officers or the employment of shareholders by the corporation or the arbitration of disputes, shall be invalid on the ground that it is an attempt by the parties to the agreement or by the shareholders of the corporation to treat the corporation as if it were a partnership or to arrange relations among the shareholders or between the shareholders and the corporation in a manner that would be appropriate only among partners.

SECTION 173: SHAREHOLDERS' OPTION TO DISSOLVE CORPORATION.

(a) The articles of incorporation of any close corporation may include a provision granting to any shareholder, or to the holders of any specified number or percentage of shares of any class of shares, an option to have the corporation dissolved at will or upon the occurrence of any specified event or contingency. Whenever any such option to dissolve is exercised, the shareholders exercising such option shall give written notice thereof to all other shareholders. After the expiration of 30 days following the sending of such notice, the dissolution of the corporation shall proceed as if the required number of shareholders having voting power had consented in writing to dissolution of the corporation as provided by section 94 of this Act.

(b) If the articles of incorporation as originally filed do not contain a provision authorized by subsection (a), the articles may be amended to include such provision if adopted by the affirmative vote of the holders of all the outstanding shares, whether or not entitled to vote, unless the articles of incorporation specifically authorizes such an amendment by a vote which shall be not less than two-thirds of all the outstanding shares whether or not entitled to vote.

(c) Each certificate for shares in any corporation whose articles of incorporation authorize dissolution as permitted by this section shall conspicuously note on the face thereof the existence of the provision. Unless noted conspicuously on the face of the certificate for shares the provision is ineffective.

SECTION 174: EFFECT OF THE CLOSE CORPORATION PROVISIONS ON OTHER LAWS.

Sections 161 through 174 of this Act shall not be deemed to repeal any statute or rule of law which is or would be applicable to any corporation which is organized under the provisions of this Act but is not a close corporation.

SECTION 180: POWERS OF SECRETARY OF STATE.

The Secretary of State shall have the power and authority reasonably necessary to enable him to administer this Act efficiently and to perform the duties therein imposed upon him.

SECTION 181: APPEAL FROM SECRETARY OF STATE.

If the Secretary of State shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other document required by this Act to be approved by the Secretary of State, before the same shall be filed in his office, he shall, within ten days after the delivery thereof to him, give written notice of his disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. From such disapproval such person or corporation may appeal to the circuit court of the county in which the registered office of such corporation is, or is proposed to be, situated by filing with the clerk of such court a complaint setting forth a copy of the articles or other documents sought to be filed and a copy of the written disapproval thereof by the Secretary of State; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the Secretary of State or direct him to take such action as the court may deem proper.

If the Secretary of State shall revoke the certificate of authority to transact business in this State of any foreign corporation, pursuant to the provisions of this Act, such foreign corporation may likewise appeal to the circuit court of the county where the registered office of such corporation in this State is situated, by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to transact business in this State and a copy of the notice of revocation given by the Secretary of State; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the Secretary of State or direct him to take such action as the court may deem proper.

Appeals from all final orders and judgments entered by the circuit court under this section in review of any ruling or decision of the Secretary of State may be taken as in other civil actions.

SECTION 182: CERTIFICATES AND CERTIFIED COPIES TO BE RECEIVED IN EVIDENCE.

All certificates issued by the Secretary of State in accordance with the provisions of this Act, and all copies of documents filed in his office in accordance with the provisions of this Act when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated, except as provided in section 66 of this Act. A certificate by the Secretary of State under the great seal of this State, as to the existence or non-existence of the facts relating to corporations shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or non-existence of the facts therein stated, except as provided in section 66 of this Act.

SECTION 183: FORMS TO BE FURNISHED BY SECRETARY OF STATE.

All reports required by this Act to be filed in the office of the Secretary of State shall be made on forms which shall be prescribed and furnished by the Secretary of State. Forms for all other documents to be filed in the office of the Secretary of State shall be furnished by the Secretary of State on request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

SECTION 184: APPLICATION TO EXISTING CORPORATIONS.

The provisions of this Act shall apply to all existing corporations organized under any general or special law of this State providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this Act, where the power has been reserved to amend, repeal or modify the act under which such corporation was organized and where such act is repealed by this Act.

SECTION 185: APPLICATION TO CORPORATIONS GENERALLY.

Without in any way limiting the generality of any provision of this Act, all of the provisions of this Act shall apply to banks, trust companies, savings and loan associations, insurance companies, public utilities and railroad companies, except to the extent, if any, that any provision of this Act is inconsistent with other statutes of this State specifically applicable to such corporations.

SECTION 186: APPLICATION TO FOREIGN AND INTERSTATE COMMERCE.

The provisions of this Act shall apply to commerce with foreign nations and among the several states only insofar as the same may be permitted under the provisions of the Constitution of the United States.

SECTION 187: RESERVATION OF POWER.

The legislature shall at all times have power to prescribe such regulations, provisions and limitations as it may deem advisable, with regulations, provisions and limitations shall be binding upon any and all corporations subject to the provisions of this Act, and the legislature shall have power to amend, repeal or modify this Act at pleasure.

SECTION 188: EFFECT OF REPEAL OF PRIOR ACTS.

The repeal of a prior act by this Act shall not impair, or otherwise affect, the organization or the continued existence of an existing corporation, nor the right of any foreign corporation presently qualified to do business in this State to continue to do so without again qualifying to do business in this State. Nor shall the repeal of a prior act by this Act affect any right accrued or established, or any liability or penalty incurred, or the construction of the certificate of incorporation or charter of any corporation organized before the enactment of this Act, or the determination of the rights and interests of any of its shareholders or creditors, under the provisions of such prior act before the repeal thereof.

SECTION 189: EFFECT OF INVALIDITY OF PART OF THIS ACT.

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this Act so adjudged to be invalid or unconstitutional.

SECTION 190. SPECIFIC REPEALER.—The following sections and all other sections and parts of sections in the Code of Alabama, 1975 inconsistent herewith are hereby repealed:

10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, inclusive.

SECTION 191. LAWS NOT REPEALED.—The provisions of this Act cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Without limitation of the generality of the preceding sentence of this section, this Act shall not repeal or supersede Sections 10-5-1; 11-49-1; 10-5-2 through 10-5-14, both inclusive, or 10-2-270 through 10-2-275; or 10-6-1 through 10-6-4; or 10-2-230, 10-2-231; 10-2-254; or 8-6-90 through 8-6-95; or 8-6-70 through 8-6-80; or 10-2-255; or 10-2-163; but nothing contained in this sentence shall be construed as implying that any law not specifically listed herein is or is not repealed or superseded by this Act.

SECTION 192. EFFECTIVE DATE.—This Act shall become effective at 12:01 a.m. on January 1, 1981.

The Standing Committee on Judiciary reported the following amendment to the substitute for the Bill, S. B. 64, to-wit:

**COMMITTEE AMENDMENT NO. 1
TO SUBSTITUTE FOR S. B. 64**

Amend Senate Bill 64 as follows:

On page 9, in Section 5, line 35, strike the word "majority" and insert in lieu thereof the following:

two-thirds

On page 57, in Section 64, lines 34 and 35, delete subsection (g) and re-letter any remaining subsections.

On page 76, in Section 84, line 31, strike the word "majority" and insert in lieu thereof the following:

two-thirds

On page 82, in Section 89, line 10, strike the words "whether or not"

On page 82, in Section 90, lines 20-21, strike the words "other than a" where they appear in line 20, and the words "as provided in Section 89" where they appear in line 21.

On page 83, in Section 90, line 10, strike the word "majority" and insert in lieu thereof the following:

two-thirds

On page 90, in Section 95, line 8, strike the word "majority" and insert in lieu thereof the following:

two-thirds

On page 87, in Section 92, lines 14 and 15, strike the words "counsel for and" where they appear at the end of line 14 and the beginning of line 15, and insert the following after the word "appraisers" on line 14:

and a reasonable attorney's fee

On page 112, in Section 135, strike lines 19-23 in their entirety.

Which was adopted.

The Standing Committee on Judiciary then reported the following amendment to the substitute, as amended, for the Bill, S. B. 64, to-wit:

COMMITTEE AMENDMENT NO. 2 TO
SUBSTITUTE, AS AMENDED, FOR S. B. 64

Amend Senate Bill 64 as follows:

On page 58, in Section 65, line 21, strike the words "Secretary of State. If the Secretary of State" and insert in lieu thereof the following:

Judge of Probate of the County in which the corporation has its registered office. If the said Judge of Probate

On page 58, in Section 65, line 29, strike the word "incorporation" and insert in lieu thereof the following:

registration

On page 58, in Section 65, line 31, strike the word "incorporation" and insert in lieu thereof the following:

registration

On page 58, in Section 65, lines 36 and 37, strike the words "incorporation to the Office of the Probate Judge of the county in which the corporation has its registered office," and insert in lieu thereof the following:

registration to the Secretary of State

On page 59, in Section 65, line 39, add the following additional section:

(e) The Secretary of State shall transmit the certificate of incorporation to the incorporators of their representatives and a copy to the said Probate Judge.

On page 59, in Section 66, line 8, strike the words "Secretary of State," and insert in lieu thereof the following:

Judge of Probate,

On page 96, in Section 105(e), lines 15 through 17 strike in their entirety.

On page 114, in Section 138, lines 9 through 14 strike in their entirety.

On page 114, Section 139, line 17, before the first word "In" insert the following:

(1)

On page 114, section 139, lines 20 and 21 delete the following:

"and Twenty-Five dollars for the appropriate Probate Judge."

On page 116, Section 139, line 10 insert the following:

(2) In lieu of all other charges and fees the Judge of Probate shall charge and collect in accordance with the provisions of this Act for filing articles of incorporation and issuing a certificate of registration Twenty-five dollars for the appropriate Probate Judge, the said Probate Judge shall at the time of filing of the articles of incorporation collect Fifty dollars for the State of Alabama which shall be remitted to the Secretary of State as provided for in Section 139(1)(a) and shall accompany the copy of the articles of incorporation when forwarded.

On page 116, in Section 140, line 17 after the word "corporation," insert the following:

the Secretary of State or Probate Judge may charge and collect

On page 116, in Section 140, line 20, delete the word "him" and in lieu thereof insert the following:

the Secretary of State

On page 116, in Section 140, line 21, after the word "corporation," insert the following:

he shall charge and collect

On page 125, in Section 180, line 30, after the word "State" insert the following:

and the appropriate Judge of Probate

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 64, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Harrison	Parsons	Vacca
Callahan	Kirkland	Proctor	Weeks
deGraffenried	Lemaster	Robertson	White
Denton	Little		

—25

Nays:

—0

And said Bill, S. B. 64, as thus amended by the substitute, was read a third time at length and passed.

REGULAR SESSION
23rd Day

1023

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Robertson
Barron	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Callahan	Kirkland	Mitchem	Taylor
deGraffenried	Lemaster	Parsons	Teague
Denton	Little	Proctor	White
Goodwin			—24

Nays: —0

The Bill:

H. 66. To amend Section 9-17-24 of the Code of Alabama 1975, so as to provide for the deposit of the oil and gas well permit fees into the state general fund; to provide for the transfer of all funds in the state treasury to the credit of the oil and gas fund to the credit of the general fund; and to provide for the abolition of the oil and gas fund.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John
Bailey	Goodwin	Miller	Smith
Barron	Gulledge	Mitchem	Taylor
Britnell	Hall	Proctor	Vacca
Callahan	Harrison	Robertson	White
deGraffenried	Kirkland		—21

Nays: —0

MOTIONS IN WRITING

Mr. McDonald offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 533, on page 93 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 533, referred to the Standing Committee on Rules for placement on the Consent Calendar.

CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

H. 67. To abolish the Board of Corrections and transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the penal and correctional institutions of this state; to provide that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; to repeal conflicting laws and specific statutes pertaining to the board of corrections, and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this Act.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Denton	Miller	Smith	
Bailey	Gulledge	Mitchem	Taylor	
Barron	Hall	Proctor	Vacca	
Callahan	Harrison	Robertson	Weeks	
Cook	Little	St. John	White	
deGraffenried				—20

Nays:

—0

The Bill:

S. 230: To amend Section 40-12-10, Code of Alabama 1975, to provide for the appointment of the License Inspector in each county by the County Commission, to provide for the duties of the License Inspector, to provide for collection of penalties and citation fees on delinquent licenses and distribution of such penalties and citation fees to the County General Fund, to provide for the appointment of Deputies to the License Inspector and to provide for the salary of the License Inspector and his Deputies and expenses of his office to be paid by the County Commission.

was taken up.

Mr. Mitchem requested and received unanimous consent to postpone consideration of the Bill, S. B. 230, until the next Legislative Day.

The Bill:

H. 135. To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than \$5.00 nor more than \$50.00; amends Section 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$50.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$10.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$25.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00, by increasing the annual registration certificate fee to an amount not less than \$10.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$5.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$25.00 nor more than \$150.00.

was read a third time at length and passed.

REGULAR SESSION
23rd Day

1025

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	Miller	Smith
Barron	Harrison	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Callahan	Kirkland	Proctor	Vacca
deGraffenried	Lemaster	Robertson	White
Denton	Little		

—25

Nays:

—0

MOTION IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 497, on page 79 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 497, referred to the Standing Committee on Rules for placement on the Consent Calendar.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 550. To amend Section 32-9-20, Code of Alabama 1975, which provides for the schedule of size and weight restrictions of motor vehicles on state highways, so as to increase the maximum length restriction from 55 feet to 60 feet.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 550, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 550

A BILL
TO BE ENTITLED
AN ACT

To provide for size restrictions of motor vehicles on state highways.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provision:

No vehicle shall exceed in length 40 feet; except, that the length of semitrailer trucks, including any part of the body or load, shall not exceed 60 feet. No vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Abstaining 2.

Yeas:

Messrs.:	Hall	McDonald	Smith	
Bailey	Harrison	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Kirkland	Proctor	Weeks	
Figures	Little	Robertson	White	
Gulledge	Martin	St. John		—22

Nays: —0

Abstaining: Messrs.: Callahan, Cook. —2

Mr. deGraffenried offered the following amendment to the Bill, S. B. 550, as amended by the substitute, to-wit:

AMENDMENT TO S. 550, AS SUBSTITUTED

Amend S. 550 as Substituted by adding a new Section 2 on line 30 to read as follows:

"Section 2. Vehicles previously exempted from the length requirements shall continue to be exempt upon passage of this act."

Further amend S. 550 as Substituted by renumbering Section 2 on line 30 to read "Section 3" and renumbering Section 3 on line 32 to read "Section 4".

Which was adopted.

Yeas 23; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Hall	Martin	Robertson	
Bailey	Harrison	McDonald	Smith	
deGraffenried	Holmes	Miller	Taylor	
Denton	Kirkland	Mitchem	Teague	
Figures	Lemaster	Parsons	Vacca	
Gulledge	Little	Proctor	White	

—23

Nays: —0

Abstaining: Mr. Cook. —1

And said Bill, S. B. 550, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Barron	Harrison	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
deGraffenried	Kirkland	Parsons	Vacca
Denton	Lemaster	Proctor	White
Figures	Little	Robertson	

—26

Nays: —0

Abstaining: Mr. Cook. —1

The Bill:

H. 52. To bring the laws of Alabama in conformity with P. L. 93-641 and Federal regulations by amending Section 22-21-260 relating to definitions, Section 22-21-265 relating to certificate of need required for new institutional health services, Section 22-21-274 relating to the review procedures, and Section 22-21-275 relating to application review for certificates of need. To repeal Section 22-21-262 which exempts certain acquisitions from certificate of need and Section 22-21-273 relating to the Health Facilities Review Council.

was taken up.

Mr. Holmes offered the following amendment to the Bill, H. B. 52, to-wit:

AMENDMENT TO H. B. 52

Amend H. B. 52, page 1, line 19, by inserting a comma after the words, "state board of health" and add the following words:

or another agency selected by the Governor.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Holmes	Mitchem	Vacca
Cook	Kirkland	Parsons	White

—23

Nays: —0

Mr. McDonald offered the following amendment to the Bill, H. B. 52, as amended, to-wit:

AMENDMENT TO H. B. 52, AS AMENDED

Amend the title, line 8, page 1, by adding the following after the last sentence thereof:

"To grant an exception to persons not seeking federal or state funds or reimbursement, who have heretofore acquired property rights, executed construction contracts and submitted construction plans for licensure under Section 22-21-20, Code of Alabama of 1975."

Amend Section 22-21-265, page 6, line 6, by adding the following new sub-paragraph as follows:

"(c) Provided further, that notwithstanding the provision of Sub-section (a) of this Section, any person who, on the effective date of this act has acquired property rights, entered into written construction contracts and submitted plans to the State Board of Health for construction and operation of a health care facility and who operates the same for patients who are on private-pay with no reimbursement or other funding from any federal or state source may, subject to the provisions of Section 22-21-20, Code of Alabama of 1975, obtain a license for such facility."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Harrison	Parsons	Teague	
Britnell	Holmes	Proctor	Vacca	
Cook	Kirkland	Robertson	Weeks	
deGraffenried	Lemaster	St. John	White	
Denton	Little			—25

Nays: —0

And said Bill, H. B. 52, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	St. John	
Bailey	Hall	Miller	Smith	
Barron	Harrison	Mitchem	Taylor	
Britnell	Holmes	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
deGraffenried	Little	Robertson	White	
Denton	Martin			—25

Nays: —0

The Bill:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Harrison	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Kirkland	Robertson	Weeks
Denton	Lemaster	St. John	—22

Nays: —0

The Bill:

S. 349. To permit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 349, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 349

A BILL
TO BE ENTITLED
AN ACT

To permit business and nonprofit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any business or nonprofit corporation, incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation may give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes (1) to aid or promote the nomination or election of any person, including an incumbent political officeholder or any other person who is or becomes a candidate for political office; or (2) to aid or promote the interest or success, or defeat of any political party or political proposition. Any separate, segregated fund, established hereunder for any of the above enumerated purposes shall be established and administered pursuant to the following requirements and prohibitions:

(1) Any business or nonprofit corporation incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation which has established a separate, segregated political fund or any separate, segregated fund established by such corporation or officer or agent acting in behalf of such corporation may solicit voluntary contributions to such fund only from such corporation's stockholders and their families and its employees and their families; or in the case of a nonprofit corporation, its members and their employees. However, such funds may accept voluntary contributions from any individuals or from any other separate, segregated political funds.

(2) The custodians of such established funds shall report annually to the contributors to the fund the amount of contributions to the fund, the recipient of the disbursements from the fund, and the balance in the fund, as of the date of such report.

(3) It shall be unlawful:

(A) For any separate, segregated political fund established pursuant to this section or for any person acting in behalf of such fund to solicit or secure any money or anything of value by physical force, job discrimination or financial reprisals, or by threats thereof; by dues, fees or other monies required as a condition of employment or by monies obtained in any commercial transaction;

(B) For any person soliciting contributions to such fund to fail to inform any person being solicited of the political purposes of such fund at the time of such solicitation; and

(C) For any person soliciting for a contribution to such fund to fail to inform the person being solicited, at the time of such solicitation, of his right to refuse to contribute without any reprisal.

Section 2. Title 17, Section 17-22-3, Code of Alabama (1975), entitled "Corrupt practices enumerated generally", is hereby amended to read as follows:

"It is a corrupt practice for any person directly or indirectly by himself or through any other person to commit any of the following acts:

(1) Aid or procure the commission of any act forbidden to be done by the laws of this state relating to elections;

(2) For any election inspector or other election officer to fail to perform any of the duties imposed upon him by law as such officer;

(3) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise or aiding or assisting any person charged with the commission of a crime or offense against the elective franchise to evade arrest or escape conviction and punishment for such crime or offense, or the providing wholly or in part for the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct for the purpose of securing the vote for himself or any other person or proposition, or of registering any person as voter at any election held within this state, or the hiring or employment of a person to take or maintain a place in or otherwise obstruct or hinder or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place of any election;

(4) Demand, solicit, ask or invite any payment or contribution for any religious, charitable or other cause or organization supposed to be primarily for the public good from any candidate for nomination or election;

(5) Demand, solicit, ask or invite any candidate for nomination or election for public office or party position or any political committee to subscribe for the support of any club or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical or publication. This shall not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular advertiser prior to his candidacy, nor to ordinary business advertising, nor to the regular demands of any organization, religious, charitable or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, or to any ordinary contributions at church services;

(6) For any corporation or person, trustee or trustees, owning or holding a majority of stock of a corporation carrying on the business of a bank, savings bank, trust, trustee, savings indemnity, safety deposit, insurance, railroad, street railway, telephone, telegraph, gas, electric light, heat or power company, or any company having the right to condemn land or to exercise franchises in public ways granted by the state, county, city or town, to pay or contribute any money or value in order to aid or promote the nomination or election of any person, or in order to aid or promote the interest or success, or defeat, of any political party or political proposition;

(7) For any business or nonprofit corporation incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation, to directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend, or contribute, any money or other valuable things in order to aid, promote or prevent the nomination or election of any person, or defeat any question or proposition submitted to the vote of the people, or in order to aid, promote or antagonize the interests of any political party; or

(8) For any person or persons or political committee to solicit or receive from such corporations any such gift, payment, expenditure or contribution, or any promise to give, pay, expend or contribute.

Notwithstanding the provisions of this section, it shall not be unlawful for any business or nonprofit corporation, incorporated under the laws of or doing business in this state, any officer or agent acting in behalf of such corporation, or any entity described in subsection (6) of this section, to give, pay, expend, or contribute money, services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes as permitted by Section 1 of this act."

Section 3. Title 10, Section 10-2-168, Code of Alabama (1975), entitled "Giving aid or contribution to political party or candidate, etc." is hereby amended to read as follows:

"Any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state or doing business in this state, or any servant, agent, employee, or officer thereof, who shall give, donate, appropriate or furnish, directly or indirectly, any money, securities, funds or property of said corporation, incorporated company or incorporated association for the purpose of aiding any political party or any candidate for any public office or any candidate for any nomination for any public office by any political party or who shall give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association to any committee or person as a contribution to the expenses of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party or any committee or other person acting in behalf of such candidate shall be guilty of a misdemeanor and, on conviction, shall be fined not less than \$100.00, nor more than \$2,000.00, at the discretion of the jury trying the case. Notwithstanding the provisions of this section, it shall not be unlawful for any business or non-profit corporation, incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation to give, pay, expend or contribute money, services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes as permitted by Section 1 of this act."

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

On motion of Mr. Little, further consideration of the Bill, S. B. 349, and pending substitute, was postponed temporarily.

The Bill:

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualify patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of health to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of health; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and, additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 559, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 559

A BILL
TO BE ENTITLED
AN ACT

Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of medical examiners to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of medical examiners; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and, additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the "Controlled Substances Therapeutic Research Act."

"Section 2. The legislature finds that recent research has shown that the use of cannabis may alleviate nausea and ill-effects of cancer chemotherapy, and may alleviate the ill-effects of glaucoma. The legislature further finds that there is a need for further research and experimentation with regard to the use of cannabis under strictly controlled circumstances. It is for these purposes that the Controlled Substances Therapeutic Research Act is hereby established.

Section 3. As used in this act the following words, unless the context clearly indicates the contrary, shall have the following meanings:

(a) "Controlled substances" means the same as is defined in Section 20-2-2(5) of the Code of Alabama 1975, as amended;

(b) "Cannabis" means the same as those substances defined in Section 20-2-2(15) of the Code of Alabama, 1975, as amended, and particularly those substances defined as tetrahydrocannabinols, or a chemical derivative thereof;

(c) "Practitioner" means a physician licensed to practice medicine in this state and particularly as herein enumerated.

Section 4. There is hereby established by the state board of medical examiners the "controlled substances therapeutic research program." The board shall administer the program by a review committee. The board shall promulgate such rules and regulations as are necessary for the proper administration and implementation of the program. Such promulgations shall be formulated to consider those pertinent rules and regulations promulgated by the federal drug enforcement agency, food and drug administration and the national institute on drug abuse.

Section 5. Except as herein otherwise provided, the controlled substances therapeutic research program shall be limited to cancer chemotherapy patients and glaucoma patients, who are certified to the review committee by an authorized practitioner, as in such medical condition necessary for the treatment of glaucoma, or the side effects of chemotherapy in cancer patients; such authorization shall be upon such terms and conditions as may be consistent with the public health and safety. To the extent of the applicable authorization, persons are exempt from prosecution in this state for possession, production, manufacture or delivery of cannabis.

Section 6. The review committee shall consist of: a) one physician licensed to practice medicine in this state and certified by the American board of ophthalmology; b) one physician licensed to practice medicine in this state, certified by the American Board of Internal Medicine and also certified in the subspecialty of medical oncology; c) one physician licensed to practice medicine in this state, certified in the specialty of pediatrics and also certified in the subspecialty of pediatrics oncology; d) one physician licensed to practice medicine in this state, certified in the specialty of gynecology and also certified in the subspecialty of gynecological oncology; and e) one physician licensed to practice medicine in this state, certified in the specialty of radiology and also certified in the subspecialty of radiation oncology.

Section 7. Only physicians in the practice of the medicine, as prescribed in Section 6 of this act, and who also are certified in the subspecialty of oncology and specifically certified by the state board of medical examiners to dispense cannabis under the provisions of this act, shall be practitioners hereunder. Each practitioner shall make application for recertification every three years.

Section 8. The state board of medical examiners shall apply to contract with the National Institute on Drug Abuse for receipt of cannabis pursuant to the regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration and the Drug Enforcement Administration. The board shall formulate and promulgate such guidelines as are necessary for dispensing cannabis consistent with the public health and safety and under strictly controlled circumstances. The board further shall establish the rules and regulations requiring accurate reporting and accountability by each practitioner to the board and any federal agency as required by law.

Section 9. Each year, on or before the fifth day of the regular session of the legislature the state board of medical examiners, in conjunction with the board's review committee, shall report their findings and recommendations to the Governor, the President of the Senate and the Speaker of the House of Representatives, regarding the effectiveness of the controlled substances.

Section 10. The enumeration of cannabis, tetrahydrocannabinols, or a chemical derivative thereof as a Schedule I or II controlled substance under Title 20, Article 2 of the Code of Alabama 1975, as amended, does not apply to the use of such drugs or chemical derivatives thereof pursuant to the provisions of this act.

Section 11. Any person or any practitioner who violates the provisions of this act shall, upon conviction thereof, be guilty of a felony and shall be punished as provided in Section 20-2-70 of the Code of Alabama 1975.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. McDonald offered the following amendment to the substitute for the Bill, S. B. 559, to-wit:

AMENDMENT TO SUBSTITUTE FOR SENATE BILL 559

Amend Senate Substitute for S. 559 on page four (4) line twelve (12) by striking the word "and" after the word oncology. Further amend on line fifteen (15) by striking the period after the word oncology and insert the following:

f) "The director of the Comprehensive Cancer Center of the University of Alabama in Birmingham."

Which was adopted.

Mr. McDonald then offered the following amendment to the substitute, as amended, for the Bill, S. B. 559, to-wit:

AMENDMENT TO SUBSTITUTE S. B. 559, AS AMENDED

Amend Senate Substitute for S. 559 on page five (5) by striking Section 11 in entirety and insert in lieu thereof the following:

Section 11. "Any person or any practitioner who prescribes or dispenses cannabis or any of its derivatives for reasons other than outlined in the act upon conviction thereof shall be guilty of a felony and shall be punished as provided in Section 20-2-70 of the Code of Alabama 1975."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 13; Nays 1.

Yeas:

Messrs.:	Holmes	Parsons	Vacca	
Denton	Kirkland	Smith	Weeks	
Figures	Little	Teague	White	
Hall	McDonald			—13

Nay: Mr. Harrison. —1

(the President and Presiding Officer of the Senate declared a quorum was present but not voting.)

On motion of Mr. McDonald, further consideration of the Bill, S. B. 559, as amended by the substitute, was postponed temporarily.

The Bill:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	St. John
Barron	Hall	Lemaster	Smith
Britnell	Harrison	Little	Taylor
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Proctor	White

—23

Nays:

0

By unanimous consent, the names of Messrs. McDonald and Lemaster were added as co-sponsors of the above Bill, S. B. 557.

MOTIONS IN WRITING

Mr. Vacca offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 347, on page 92 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 347, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Keener offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 305, on page 79 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 305, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 50. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violations of this Act; and repealing all laws that conflict with this Act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 50, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 50

Amend Senate Bill 50 as follows:

Delate Section 22 in its entirety, beginning on page 26, line 12, and continue through page 27, line 6, and substitute in lieu thereof the following:

(a) There shall be a joint standing legislative committee known as the Joint Committee on Administrative Regulation Review, to review all agency rules. The committee shall consist of three members of the House of Representatives to be appointed by the Speaker of the House, and three members of the Senate appointed by the Lieutenant Governor. The Lieutenant Governor shall appoint the chairman in even years and the vice-chairman in odd years, and the Speaker of the House shall appoint the chairman in odd years and the vice-chairman in even years, from among the committee membership. Vacancies shall be filled by appointment by the authority making the appointment. Members shall serve without additional compensation, but shall be reimbursed for travel expenses to meetings of the committee.

(b) The committee shall:

(1) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact;

(2) Review administrative rules and advise the agencies concerned of its findings;

(3) Have the further duties prescribed in section 25;

(4) Report to the Legislature at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action;

(5) Adopt rules and regulations necessary for its own organization and operation and for that of its staff, consistent with general law and the rules of each house;

(6) Appoint an executive director and general counsel, by majority vote of the members of the committee, and fill any vacancy in those offices in the same manner. The committee may also hire additional staff members or delegate to the executive director the selection of additional staff members;

(7) Have general administrative responsibility for the operations of its staff.

(c) Expenses required for the work of the committee shall be included in and paid from the appropriation for legislative expense.

(d) The chairman, or in his absence or inability to serve, the vice-chairman, may call meetings of the committee for the performance of its duties.

Further amend Senate Bill 50, Page 27, line 7, Section 23, after the word "Rules" by inserting the following:

"and Submission of Disapproved Rules to the Legislature."

Further amend Section 23 by deleting from lines 8 through 19 in their entirety, and substituting in lieu thereof the following:

(a) The notice required by section 5(a)(1) of this act shall be given, in addition to the persons there named, to the chairman of the committee. The agency shall furnish the committee with ten copies of the proposed rule or rules, and no rule, except an emergency rule issued pursuant to section 5(b) of this act, shall be effective until these copies are so furnished. The form of the proposed rule presented to the committee shall be as follows: New Language shall be in capital letters and language to be deleted shall be enclosed in brackets. The committee shall study all proposed rules and, in its discretion, may hold public hearings thereon. In the event the committee fails to give notice to the agency of either its approval or disapproval of the proposed rule within sixty days after its presentation to the committee, the committee shall be deemed to have approved the proposed regulation for the purposes of this section. In the event the committee disapproves a proposed rule or any part thereof, it shall give notice of such disapproval to the agency, and no agency shall thereafter issue any rule or directive or take other action to implement such disapproved rule unless the legislature reverses such disapproval under the provisions of section 26 of this act. If the committee disapproves any regulation proposed for the purpose of implementing a federally subsidized or assisted program, the legislature shall be required either to sustain or reverse every such disapproval.

(b) The committee is authorized to review and approve or disapprove any rule adopted prior to the effective date of the act.

(c) In determining whether to approve or disapprove proposed rules, the committee shall consider the following criteria:

(1) Would the absence of the rule or rules significantly harm or endanger the public health, safety, or welfare?

(2) Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

(3) Is there another, less restrictive method of regulation available that could adequately protect the public?

(4) Does the rule or do the rules have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

(5) Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule or rules?

(6) Are all facets of the rulemaking process designed solely for the purpose of, and do they have, as their primary effect, the protection of the public?

(d) On or before the fifth day of each regular session of the Alabama legislature, the chairman of the committee shall submit copies of all proposed regulations that have been disapproved by the committee under section 25 of this act to both houses of the legislature for their study. Such regulations shall be referred by the Speaker of the House or the Lieutenant Governor or both to an appropriate committee or committees, other than the Joint Committee on Administrative Regulation Review, for consideration, and such committee or committees shall schedule hearings thereon. The legislature may, by resolution, either sustain or reverse a vote of disapproval of the committee under section 25, except that in the event the legislature fails during its regular session to sustain by resolution the disapproval of a

regulation proposed for the purpose of implementing a federally subsidized or assisted program, the vote of disapproval shall be deemed reversed for purposes of this section and the proposed regulation shall become effective. Any action of the legislature under the provisions of this section shall be effective as of the date of passage of the resolution in the second house of the legislature.

On motion of Mr. White, said amendment was laid on the table.

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 50, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 50

Senate Bill 50 is amended by deleting the words "clearly erroneous in view of" on page 25, line 22, and inserting in place thereof the words "unsupported by".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Holmes	Miller	Taylor
Callahan	Keener	Mitchem	Weeks
Figures	Kirkland	Parsons	White

—19

Nays: —0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 50, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 50, AS AMENDED

Amend Senate Bill No. 50 by deleting the first sentence of subsection 19(k) on page 25.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Figures	Kirkland	Proctor	White

—23

Nays: —0

Mr. Gulledge offered the following amendment to the Bill, S. B. 50, as amended, to-wit:

AMENDMENT TO S. B. 50, AS AMENDED

Amend Senate Bill 50, section 3, page 5, lines 24 and 25, by deleting the period at the end of line 24 and in lieu thereof, adding the following ;

(5) the rules and actions of the Alabama Air Pollution Control Commission and the Alabama Water Improvement Commission.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 13; Nays 9.

Yeas:

Messrs.:	Keener	Mitchem	St. John	
Goodwin	Kirkland	Parsons	Smith	
Hall	Little	Proctor	Taylor	
Holmes	McDonald			—13

Nays:

Messrs.:	Harrison	Martin	Weeks	
Callahan	Higginbotham	Miller	White	
Gulledge	Lemaster			—9

And said Bill, S. B. 50, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith	
Britnell	Holmes	McDonald	Taylor	
Cook	Keener	Mitchem	Teague	
deGraffenried	Kirkland	Parsons	Weeks	
Gulledge	Lemaster	Proctor	White	
Hall	Little			—21

Nays:

—0

Mr. Keener moved that the Senate reconsider the vote by which the Bill, S. B. 50, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 559

The Senate proceeded to further consideration of the Bill, S. B. 559, as amended.

And said Bill, S. B. 559, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 5.

Yeas:

Messrs.:	Cook	Figures	Holmes
Bailey	deGraffenried	Goodwin	Keener
Callahan	Denton	Hall	Little

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McDonald	Pearson	Taylor	Weeks	
Miller	St. John	Teague	White	
Parsons	Smith	Vacca		—22

Nays: Messrs.: Britnell, Harrison, Kirkland, Mitchem, Proctor. —5

Mr. McDonald moved that the Senate reconsider the vote by which the Bill, S. B. 559, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTIONS IN WRITING

Mr. Gullledge offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 443, on page 92 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 443, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Mr. Gullledge offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 518, on page 93 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 518, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Messrs. St. John and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 130. HONORING ALEX W. NEWTON OF BIRMINGHAM FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

WHEREAS, the Honorable Alex W. Newton, Attorney at Law of Birmingham, Alabama, has been named the President of the International Society of Barristers; and

WHEREAS, this organization is an international organization consisting of outstanding and noted trial attorneys from throughout the world; and

WHEREAS, Mr. Newton is a partner in the law firm of Hare, Wynn, Newell, and Newton of Birmingham, Alabama, a firm of distinguished lawyers, and has had many honors bestowed upon him by his brother lawyers; and

WHEREAS, he is a member of the Birmingham and American Bar Associations and the Alabama State Bar; past executive secretary of Alabama Trial Lawyers Association; past executive committee member of the Birmingham Bar Association; a fellow of the American College of Trial Lawyers; member of the American Judicature Society; and Vice President of the University of Alabama Law School Foundation; and

WHEREAS, Mr. Alex W. Newton is much respected and beloved by his fellow lawyers and his legion of friends throughout Alabama and the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do congratulate Alex W. Newton of Birmingham upon his elevation to the presidency of the International Society of Barristers and to commend him for the many honors that have been bestowed upon him and heartily thank him on behalf of the people of Alabama for the many services he has rendered to his profession, his area and State and the honor he has brought to the State of Alabama and its Bar Associations by virtue of his election to this high office.

The Secretary of the Senate is hereby instructed to transmit a copy of this resolution to the Honorable Alex W. Newton of Birmingham.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide each county with the option of converting to this system; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local act except in case of Madison County the Director of Motor Vehicle Licensing to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction, and to create a joint legislative committee to oversee the implementation of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 225, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 225

A BILL TO BE ENTITLED AN ACT

To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the

late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; and to create a joint legislative committee to oversee the implementation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after October 1, 1980, the licensing, registration and ad valorem taxation of motor vehicles in compliance with the laws of the State of Alabama shall be on a staggered basis.

To implement this Act, the licensing, registration and taxation may be for periods less than or greater than twelve months during the conversion year only. However, such proration of fees during the implementation of a staggered registration system shall result in the collection of a total amount of monies for the taxable year no more nor less than the current annual amounts received.

Section 2. The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The Commissioner of Revenue of the State of Alabama shall promulgate rules to implement the provisions of this Act.

After the conversion period all owners of passenger vehicles and pick-up trucks shall register their vehicles over a twelve-month period. All fleets and commercial vehicles shall be registered during the months of October and November.

Section 3. The license plates for private passenger automobiles and pick-up trucks, such truck being defined as any truck with two axles and a gross weight not exceeding 12,000 pounds, shall be valid for five years and shall be replaced at the end of that period. License plates for all other vehicles shall be valid for one year and shall be replaced at the end of that period.

Section 4. For the years during which the five-year license plates are not issued, in lieu thereof, tabs, stamps, or other devices suitable for attaching to motor vehicle license plate shall be issued. The tab, stamp or device shall indicate the period for which it was issued and shall, when properly affixed to the license plate, evidence payment for the motor vehicle license fees and taxes for the period indicated thereon. Such tab, stamp or device shall be three inches wide by four inches tall or such other size as the legislative oversight committee deems appropriate and shall bear a bright reflective background contrasting with the digits or letters printed thereon. The first three letters of the month of expiration shall be printed on the bottom portion of said tab, stamp or device and shall be no less than three inches in width and one inch in height.

Any numbers shown on such tab, stamp or device shall be for accounting purposes only, to be used by the department of revenue, and shall in no way be used for the identification of the vehicle.

A person changing his county of residence shall be required to purchase a license plate indicating his new county or residence upon expiration of the license period covered by his present license plate or validation device.

Section 5. The design of license plates, including all emblems, slogans, symbols or characters appearing thereon, shall be by regulation as promulgated by the revenue commissioner, and as otherwise specified by law. However, the face of the license plate to be displayed shall be fully treated with a retroflective material which will increase the nighttime visibility and legibility of the plate. There shall also be provided a special license plate for handicapped persons who operate their motor vehicles with hand controls which shall be specially colored red, white and blue. The purchase of these tags shall be optional with the vehicle owner, who shall bear the cost of such plates, and in no way shall the purchase of these tags be construed as mandatory upon a handicapped person.

Characters on the license plate which designate the county of issuance shall be numeric, and all numerals on said plates shall be no smaller than 2-3/4 inches in height. The following numbering scheme shall be used:

(1) Jefferson County, 1; Mobile County, 2; Montgomery County, 3.

(2) All other counties shall be ranked alphabetically and assigned consecutive numbers beginning with 4 and concluding with 67.

The board of corrections is directed to supply all license plates and revalidation devices required under this Act. The amounts charged by the board of corrections for the manufacture of revalidation devices shall not be less than that charged for the manufacture of license plates on a per item basis.

The board of corrections is hereby required to maintain an accurate system of record-keeping which shall trace and account for the handling and distribution of each plate and revalidation device throughout the manufacturing process until such items are distributed to each county.

Section 6. The department of revenue, or any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by "optical character reader" machines in the event such county request such type receipts.

A penalty of 15% of the License Fee shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle under the system of registration imposed by this Act. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing licenses within seven calendar days after the month of expiration shall pay only a \$2.00 penalty fee. This fee shall not be construed as coming under the requirements of Section 40-12-269.

Section 7. Section 40-12-265, Code of Alabama 1975, is amended to read as follows:

§ 40-12-265.

"(a) It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag, plate or validation stamp or to use upon any motor vehicle tag, plate or validation stamp or to use upon any motor vehicle any tags, plates or validation stamps in limitation of or substitution for authorized issued tags, plates or validation stamps. It shall be the duty of all sheriffs, police officers, state troopers, highway patrolmen, license inspectors, deputy license inspectors and field agents of the department of revenue to arrest any person violating the provisions of this section,

and upon conviction of any such person a fine of not less than \$25.00 nor exceeding \$100.00 shall may be imposed for each offense. The license inspector shall receive the same a fee of \$1.50 for making such arrests as is now received by the sheriffs or if such arrests are made by his deputy, which arrest fee shall be collected as a part of the costs in any such action before a justice of the peace or other court of like competent jurisdiction.

“(b) In case one or both of the tags, plates or validation stamp become so mutilated as to make it or them illegible, the owner of the vehicle must file with the county license inspector, or if there is no license inspector then with the probate judge, an application setting forth the facts that the tags, plates or validation stamp or one of them has been lost, mutilated or destroyed; and, upon payment of \$3.00 and the surrender of the tag or tags, plate or plates, one or both of which are so mutilated or lost, the license inspector probate judge or the appropriate licensing authority established by local Act shall forward such tag or tags, plate or plates which have been surrendered, together with the application and \$2.00 to the state department of revenue, and which shall issue without additional charge a set of replacement tags or plates and forward same to the applicant party designated by the license inspector on the application. The probate judge or the appropriate licensing authority established by local Act license inspector shall retain \$1.00 for his service, and to defray the cost of mailing the tags or plates to the department of revenue. Should the lost tag or tags, plate or plates be recovered or come into the possession of such applicant, he must immediately deliver same to the license inspector probate judge or the appropriate licensing authority established by local Act. Should any person use upon any motor vehicle the old tag or tags, plate or plates, he shall be guilty of a misdemeanor and upon conviction be fined as provided in subsection (a) of this section, and shall in addition be required to procure a proper license at the annual rate levied for such license.

“(c) Any person using a motor vehicle with improper license, improper tag or tags, plate or plates or validation stamp, or failing to have tag or tags, plate or plates properly displayed, or with only one tag or plate shall be notified in writing by the license inspector of field agent. If after five days from the date of such notice said person fails or refuses to comply with said notice, the license inspector shall thereupon issue citation to such person to appear instanter and procure such proper license or, in the case of mutilated or lost license plate or plates, to make the application and pay the amount as herein provided; where such person is cited for improperly displaying the license plate or plates and fails or refuses to comply with the citation of the license inspector, such person shall be arrested and, upon conviction, fined as herein provided. In each case where the citation has been served in accordance herewith, the license inspector shall be entitled to a citation fee of \$1.50.”

Section 8. Section 40-2-12, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-2-12.

“The commissioner of revenue of the State of Alabama is authorized to make or to have made microfilm copies, photostatic copies or other similar photographic reproductions of any books, records, returns, files, minutes, letters, correspondence, motor vehicle registration cards, reports, petitions, permits, applications, receipts, assessments, notices and any other document

required to be maintained or kept by the department of revenue or any agency, division or employee thereof. The commissioner of revenue is authorized to destroy or cause to be disposed of, at any time after the expiration of three years after the date of receipt, validation of the reproduction, any of the above named documents which have been microfilmed, photostated or otherwise photographed. Such microfilm, photostat or other photograph shall be retained and kept in lieu of such documents required to be kept or maintained."

Section 9. It is hereby specifically provided that this Act shall be construed in *pari materia* with Sections 32-8-32 and 32-8-33, Code of Alabama 1975.

Section 10. The citizens of the State of Alabama who are paralyzed and operate their motor vehicles by hand control are hereby authorized a distinct tag of red, white and blue of three equal colors if they desire.

Section 11. There is hereby created a legislative committee to oversee the implementation and administration of this Act. Such committee shall be composed of two members of the House of Representatives, who shall be appointed by the Speaker of the House, and serve at his pleasure, and two members of the Senate, who shall be appointed by the Lieutenant Governor, and serve at his pleasure.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed, specifically Section 32-6-50, Code of Alabama 1975.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Cook, said substitute was laid on the table.

Mr. Cook then offered the following substitute for the Bill, H. B. 225, to-wit:

SUBSTITUTE FOR H. B. 225

A BILL TO BE ENTITLED AN ACT

To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section

40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after October 1, 1980, the licensing, registration and ad valorem taxation of motor vehicles in compliance with the laws of the State of Alabama shall be on a staggered basis.

To implement this Act, the licensing, registration and taxation may be for periods less than or greater than twelve months during the conversion year only. However, such proration of fees during the implementation of a staggered registration system shall result in the collection of a total amount of monies for the taxable year no more nor less than the current annual amounts received.

During the implementation period and thereafter the licensing, registration and taxation for vehicles weighing 12,000 pounds and over shall be prorated on a monthly basis.

Section 2. The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual's last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

January—A, D, I, U

February—B

March—C

April—E, F, J

May—G, K, O

June—H

July—L, R

August—M

September—N, P, Q

October—S, and trucks, mobile homes, commercial fleets, etc.

November—T, V, X, Y, Z, and trucks, mobile homes, commercial fleets, etc.

December—W

After the conversion period all owners of passenger vehicles and pick-up trucks shall register their vehicles over a twelve-month period. All fleets and commercial vehicles shall be registered during the months of October and November.

Section 3. The license plates for private passenger automobiles and pick-up trucks, such truck being defined as any truck with two axles and a gross weight not exceeding 12,000 pounds, shall be valid for five years and shall be replaced at the end of that period. License plates for all other vehicles shall be valid for one year and shall be replaced at the end of that period.

Section 4. For the years during which the five-year license plates are not issued, in lieu thereof, tabs, stamps, or other devices suitable for attaching to a motor vehicle license plate shall be issued. The tab, stamp or device shall indicate the period for which it was issued and shall, when properly affixed to the license plate, evidence payment for the motor vehicle license fees and taxes for the period indicated thereon. Such tab, stamp or device shall be such size as the legislative oversight committee, as provided for in this act, deems appropriate and shall bear a bright reflective background contrasting with the digits or letters printed thereon. The first three letters of the month of expiration shall be printed on the bottom portion of said tab, stamp or device and shall be no less than three inches in width and one inch in height.

Any number shown on such tab, stamp or device shall be for accounting purposes only, to be used by the department of revenue, and shall in no way be used for the identification of the vehicle.

A person changing his county of residence shall be required to purchase a license plate indicating his new county or residence upon expiration of the license period covered by his present license plate or validation device and shall turn in his old license plate.

Section 5. The design of license plates, including all emblems, slogans, symbols or characters appearing thereon, shall be by regulation as promulgated by the revenue commissioner, and as otherwise specified by law. However, the face of the license plate to be displayed shall be fully treated with a retroflective material which will increase the nighttime visibility and legibility of the plate. There shall also be provided a special license plate for handicapped persons who operate their motor vehicles with hand controls which shall be specially colored red, white and blue. The purchase of these tags shall be optional with the vehicle owner, who shall bear the cost of such plates, and in no way shall the purchase of these tags be construed as mandatory.

Characters on the license plate which designate the county of issuance shall be numeric, and all numerals on said plates shall be no smaller than 2-3/4 inches in height. The following numbering scheme shall be used:

- (1) Jefferson County, 1; Mobile County, 2; Montgomery County, 3.
- (2) All other counties shall be ranked alphabetically and assigned consecutive numbers beginning with 4 and concluding with 67.

The board of corrections is directed to supply all license plates and revalidation devices required under this Act. The amounts charged by the board of corrections for the manufacture of revalidation devices shall not be less than that charged for the manufacture of license plates on a per item basis.

The board of corrections is hereby required to maintain an accurate system of record-keeping which shall trace and account for the handling and distribution of each plate and revalidation device throughout the manufacturing process until such items are distributed to each county.

After the five-year tag has been in use for a period of three years the Board of Corrections is hereby directed to manufacture all subsequent tags for the remaining two years of such period from a metal of less durability and quality than the metal used in manufacturing the five-year tags.

Section 6. There shall be one uniform registration renewal form to be used statewide. Such form shall be designed so as to provide for both the transfer of ownership and the registration of the vehicle. The department of revenue, or any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by "optical character reader" machines. All receipts shall be sent to the county agencies charged with handling vehicle registration. This paragraph shall not be construed to give the department of revenue authority to centralize vehicle registration.

A penalty of \$5.00 shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle under the system of registration imposed by this Act. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing licenses within ten calendar days after the month of expiration shall pay only a \$2.00 penalty fee. This fee shall not be construed as coming under the requirements of Section 40-12-269.

Section 7. Section 40-12-265, Code of Alabama 1975, is amended to read as follows:

§ 40-12-265.

"(a) It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag, plate or validation stamp or to use upon any motor vehicle any tags, plates or validation stamps in limitation of or substitution for authorized issued tags, plates or validation stamps. It shall be the duty of all sheriffs, police officers, state troopers, highway patrolmen, license inspectors, deputy license inspectors and field agents of the department of revenue to arrest any person violating the provisions of this section, and upon conviction of any such person a fine of not less than \$25.00 nor exceeding \$100.00 shall may be imposed for each offense. The license inspector shall receive the same a fee of \$1.50 for making such arrests as is now received by the sheriffs or if such arrests are made by his deputy, which arrest fee shall be collected as a part of the costs in any such action before a justice of the peace or other court of like competent jurisdiction.

"(b) In case one or both of the tags, plates or validation stamp become so mutilated as to make it or them illegible, the owner of the vehicle must file with the county license inspector, or if there is no license inspector then with the probate judge, an application setting forth the facts that the tags, plates or validation stamp or one of them has been lost, mutilated or destroyed; and, upon payment of \$3.00 \$2.00 and the surrender of the tag or tags, plate or plates, one or both of which are so mutilated or lost, the license inspector probate judge or the appropriate licensing authority established by local Act shall forward such tag or tags, plate or plates which have been surrendered, together with the application and \$2.00 \$1.00 to the state department of revenue, and which shall issue without additional charge a set of replacement tags or plates and forward same to the applicant party designated by the license inspector on the application. The probate judge or the appropriate licensing authority established by local Act license inspector shall retain \$1.00 for his service, and to defray the cost of mailing the tags or plates to the department of revenue. Should the lost tag or tags, plate or plates be recovered or come into the possession of such applicant, he must immediately deliver same to the license inspector probate judge or the appropriate licensing authority established by local Act. Should any person use upon any motor

vehicle the old tag or tags, plate or plates, he shall be guilty of a misdemeanor and upon conviction be fined as provided in subsection (a) of this section, and shall in addition be required to procure a proper license at the annual rate levied for such license.

"(c) Any person using a motor vehicle with improper license, improper tag or tags, plate or plates or validation stamp, or failing to have tag or tags, plate or plates properly displayed, or with only one tag or plate shall be notified in writing by the license inspector of field agent. If after five days from the date of such notice said person fails or refuses to comply with said notice, the license inspector shall thereupon issue citation to such person to appear instantan and procure such proper license or, in the case of mutilated or lost license plate or plates, to make the application and pay the amount as herein provided; where such person is cited for improperly displaying the license plate or plates and fails or refuses to comply with the citation of the license inspector, such person shall be arrested and, upon conviction, fined as herein provided. In each case where the citation has been served in accordance herewith, the license inspector shall be entitled to a citation fee of \$1.50."

Section 8. Section 40-2-12, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-2-12.

"The commissioner of revenue of the State of Alabama is authorized to make or to have made microfilm copies, photostatic copies or other similar photographic reproductions of any books, records, returns, files, minutes, letters, correspondence, motor vehicle registration cards, reports, petitions, permits, applications, receipts, assessments, notices and any other document required to be maintained or kept by the department of revenue or any agency, division or employee thereof. The commissioner of revenue is authorized to destroy or cause to be disposed of, at any time after the expiration of three years after the date of receipt, validation of the reproduction, any of the above named documents which have been microfilmed, photostated or otherwise photographed. Such microfilm, photostat or other photograph shall be retained and kept in lieu of such documents required to be kept or maintained."

Section 9. Section 40-12-271, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-12-271.

"The probate judge or license commissioner of the county, for issuing the licenses required by this article or by any other law prescribing licenses for operating motor vehicles, shall be allowed a fee of \$.75 \$1.25 for issuing each license for operating motor vehicles. Such fees shall be paid to the probate judge of license commissioner of the county by the owner at the time of the issuance of the license tag."

Section 10. It is hereby specifically provided that this Act shall be construed in *pari materia* with Sections 32-8-32 and 32-8-33, Code of Alabama 1975.

Section 11. There is hereby created a legislative committee to oversee the implementation and administration of this Act. Such committee shall be composed of three members of the House of Representatives, who shall be appointed by the Speaker of the House, and serve at his pleasure, and three,

members of the Senate, who shall be appointed by the Lieutenant Governor, and serve at his pleasure, the Director of the Alabama Criminal Justice Information Center, the Director of Public Safety, and the President of the Probate Judges Association. The chairman who shall be picked by the members of the committee from the legislative members on the committee, shall have the authority to call meetings of the committee when he deems it necessary.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed, specifically Section 32-6-50, Code of Alabama 1975.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Miller	Smith
Barron	Harrison	Mitchem	Taylor
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Proctor	Weeks
deGraffenried	Kirkland	Robertson	White
Denton	Lemaster		

—25

Nays: —0

And said Bill, H. B. 225, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.	Denton	Little	St. John
Bailey	Gulledge	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Harrison	Parsons	Teague
Callahan	Holmes	Proctor	Weeks
Cook	Keener	Robertson	White
deGraffenried	Kirkland		

—25

Nays: —0

Mr. Cook moved that the Senate reconsider the vote by which the Bill, H. B. 225, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 32. To amend Act No. 408 of the Regular Session, 1977 to further prescribe, authorize and regulate investments of life, disability and burial insurance companies by authorizing investment in certain type of mortgage loan up to one hundred percent of value under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.	Gulledge	Little	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Lemaster	St. John		—26

Nays:

—0

The Bill:

H. 65. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seen not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland	Robertson		—26

Nays:

—0

The Bill:

S. 136. To authorize the department of revenue to design, issue and regulate the use of certain "temporary motor vehicle license tags"; to establish the selling price and issuance fee for such tags and to prescribe penalty for persons unlawfully using such tags.

was taken up.

The Standing Committee on Commerce, Transportation and Utilities reported the following substitute for the Bill, S. B. 136, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 136

A BILL
TO BE ENTITLED
AN ACT

To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges to issue temporary license tags and registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this Act, the terms "Dealer," "Department", "Designated Agent", "Motor Vehicle", and "Owner" shall have the meanings as defined in Section 32-8-2, Code of Alabama 1975.

Section 2. Each designated agent shall, upon proper application, issue to the owner of a motor vehicle which is to be permanently licensed in some state other than Alabama a temporary license tag to be affixed to such motor vehicle and a temporary registration certificate. A dealer who has been appointed by the department to perform the duties of a designated agent shall have the authority to issue a temporary license tag and temporary registration certificate only for motor vehicles which are sold by that dealer.

Section 3. A manufacturer of a mobile home, trailer coach, travel trailer or house trailer manufactured on a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle who has a manufacturing, constructing, or assembling plant in this state may make application to the department for authority to issue temporary license tags and temporary registration certificates in connection with such mobile homes, trailer coaches, travel trailers or house trailers manufactured by it in this state and which are to be permanently licensed in some state other than Alabama. A dealer in mobile homes, trailer coaches, travel trailers or house trailers may also make application to the department for authority to issue temporary license tags and temporary registration certificates in connection with such vehicles sold by it which are to be permanently licensed in some state other than the state of Alabama. If approved by the department, such manufacturer or dealer shall enter into a bond with a corporate surety authorized to do business in this state as surety thereon, payable to the state of Alabama in a sum to be determined by the department, but in no event less than \$5,000.00, conditioned on the faithful performance of its duties under this Act. In lieu of such bond, such manufacturer or dealer may file a condensed balance sheet as of a date not more than three months prior to July 1 each year in a form prescribed by the department and sworn to by such manufacturer or dealer, evidencing a net worth of not less than \$25,000.00. Such manufacturer or dealer may perform its duties under this Act either personally or through any

of its officers or employees. Temporary license tags issued by any such manufacturer or dealer or by designated agents in connection with mobile homes, trailer coaches, travel trailers and house trailers shall be of a color or design distinctive from the temporary license tags issued for other type motor vehicles.

Section 4. Each judge of probate of this state shall have the authority, upon proper request, to issue a temporary license tag and a temporary registration certificate to the owner of a motor vehicle to be licensed in this state when, due to circumstances, a permanent license tag cannot immediately be issued or when, in the judgment of the probate judge, just cause exists for the issuance of such temporary license tag and registration certificate. The temporary license tag provided for herein shall be of a color or design distinctive from the temporary license tags prescribed in the preceding two sections.

Section 5. Each temporary license tag and temporary registration certificate issued hereunder shall be valid for twenty days from the date of issuance and shall be used only on the vehicle for which issued. No temporary license tag shall be renewed nor shall successive temporary license tags be issued in connection with the same motor vehicle. Provided, however, that a probate judge issuing a temporary license tag under the provisions of the preceding section may issue a temporary license tag for a motor vehicle which has previously received a temporary license tag issued by some other designated agent, manufacturer or dealer and further may issue successive temporary license tags in connection with the same motor vehicle.

Section 6. The fee for issuance of each temporary license tag shall be \$2.25 which shall be collected by the designated agent or manufacturer or dealer qualifying under Section 3 hereof. From each such fee collected, the designated agent, manufacturer or dealer shall remit \$1.50 to the department for deposit to the general fund of the state of Alabama and shall remit \$.75 to the county in which the temporary license tag is issued to be paid into the treasury of the county, provided, that in all counties where the probate judge is reimbursed on a fee basis instead of on a salary basis, then such \$.75 shall be paid to the probate judge.

Section 7. Every designated agent or manufacturer or dealer qualifying under Section 3 hereof issuing a temporary license tag shall insert clearly and indelibly on the face of such temporary license tag the date of issuance and expiration, the make and vehicle identification number of the motor vehicle for which issued and such other information as the department shall require. Upon issuance of a temporary license tag, the designated agent, manufacturer or dealer shall also deliver to the owner a temporary registration certificate upon a form prescribed by the department. The designated agent, manufacturer or dealer shall retain a copy of the temporary registration certificate and shall transmit one copy of such certificate to the department, and one copy to the judge of probate of the county in which the temporary license tag is issued.

Section 8. Every designated agent or manufacturer or dealer qualifying under Section 3 hereof shall maintain for one year a record of all temporary license tags and temporary registration certificates issued by him and shall maintain such other information pertaining to the issuance of temporary license tags as the department shall require. All such records maintained by the designated agent, manufacturer or dealer shall be available for inspection and examination by duly authorized representatives of the department upon request.

Section 9. The department shall prescribe the design and material of the temporary license tags, temporary registration certificates, application forms, and all other notices and forms necessary to carry out the provisions of this Act and shall furnish a supply of such materials to designated agents or manufacturers or dealers qualifying under Section 3 hereof upon request. The department may make necessary investigations to procure information required to carry out the provisions of this Act, may adopt and enforce reasonable rules and regulations to carry out the provisions hereof, and may, after a hearing, revoke the authority to issue temporary license tags or registration certificates of any dealer or other person appointed by the department to act as a designated agent or any manufacturer or dealer whom it finds has failed to faithfully perform his duties under this Act.

Section 10. It shall be unlawful for any owner to make any false statement in making application for issuance of a temporary license tag and temporary registration certificate, or for any designated agent or manufacturer or dealer qualifying under Section 3 hereof to issue a temporary license tag or temporary registration certificate with knowledge of such false statement, or for any person to operate a motor vehicle upon the public roads of this state with a temporary license tag which has expired. Anyone violating the provisions of this section shall be guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. This Act shall become effective October 1, 1979.

On motion of Mr. Callahan, said substitute was laid on the table.

Mr. Callahan then offered the following substitute for the Bill, S. B. 136, to-wit:

SUBSTITUTE FOR S. B. 136

A BILL
TO BE ENTITLED
AN ACT

To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this Act, the terms "Dealer," "Department", "Designated Agent", "Motor Vehicle", and "Owner" shall have the meanings as defined in Section 32-8-2, Code of Alabama 1975.

Section 2. Each designated agent shall, upon proper application, issue to the owner of a motor vehicle which is to be permanently licensed in some state other than Alabama a temporary license tag to be affixed to such motor vehicle and a temporary registration certificate. A dealer who has been appointed by the department to perform the duties of a designated agent shall have the authority to issue a temporary license tag and temporary registration certificate only for motor vehicles which are sold by that dealer.

Section 3. A manufacturer of mobile home, trailer coach, travel trailer or house trailer manufactured on a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle who has a manufacturing, constructing, or assembling plant in this state may make application to the department for authority to issue temporary license tags and temporary registration certificates in connection with such mobile homes, trailer coaches, travel trailers or house trailers manufactured by it in this state and which are to be permanently licensed in some state other than Alabama. A dealer in mobile homes, trailer coaches, travel trailers or house trailers may also make application to the department for authority to issue temporary license tags and temporary registration certificates in connection with such vehicles sold by it which are to be permanently licensed in some state other than the state of Alabama. If approved by the department, such manufacturer or dealer shall enter into a bond with a corporate surety authorized to do business in this state as surety thereon, payable to the state of Alabama in a sum to be determined by the department, but in no event less than \$5,000.00, conditioned on the faithful performance of its duties under this Act. In lieu of such bond, such manufacturer or dealer may file a condensed balance sheet as of a date not more than three months prior to July 1 each year in a form prescribed by the department and sworn to by such manufacturer or dealer, evidencing a net worth of not less than \$25,000.00. Such manufacturer or dealer may perform its duties under this Act either personally or through any of its officers or employees. Temporary license tags issued by any such manufacturer or dealer or by designated agents in connection with mobile homes, trailer coaches, travel trailers and house trailers shall be of a color or design distinctive from the temporary license tags issued for other type motor vehicles.

Section 4. Each judge of probate of this state or other county official in this state authorized and required by law to issue motor vehicle license tags shall have the authority, upon proper request, to issue a temporary license tag and a temporary registration certificate to the owner of a motor vehicle to be licensed in this state when, due to circumstances, a permanent license tag cannot immediately be issued or when, in the judgment of the probate judge or other county official authorized and required by law to issue motor vehicle license tags, just cause exists for the issuance of such temporary license tag and registration certificate. The temporary license tag provided for herein shall be of a color or design distinctive from the temporary license tags prescribed in the preceding two sections.

Section 5. Each temporary license tag and temporary registration certificate issued hereunder shall be valid for twenty days from the date of issuance and shall be used only on the vehicle for which issued. No temporary license tag shall be renewed nor shall successive temporary license tags be

issued in connection with the same motor vehicle. Provided, however, that a probate judge or other county official authorized and required by law to issue motor vehicle license tags issuing a temporary license tag under the provisions of the preceding section may issue a temporary license tag for a motor vehicle which has previously received a temporary license tag issued by some other designated agent, manufacturer or dealer and further may issue successive temporary license tags in connection with the same motor vehicle for periods not to exceed a total of sixty (60) days.

Section 6. The fee for issuance of each temporary license tag shall be \$2.25 which shall be collected by the designated agent or manufacturer or dealer qualifying under Section 3 hereof. From each such fee collected, the designated agent, manufacturer or dealer shall remit \$1.50 to the department for deposit to the general fund of the state of Alabama and shall remit \$.75 to the county in which the temporary license tag is issued to be paid into the treasury of the county, provided, that in all counties where the probate judge is reimbursed on a fee basis instead of on a salary basis, then such \$.75 shall be paid to the probate judge.

Section 7. Every designated agent or manufacturer or dealer qualifying under Section 3 hereof issuing a temporary license tag shall insert clearly and indelibly on the face of each temporary license tag the date of issuance and expiration, the make and vehicle identification number of the motor vehicle for which issued and such other information as the department shall require. Upon issuance of a temporary license tag, the designated agent, manufacturer or dealer shall also deliver to the owner a temporary registration certificate upon a form prescribed by the department. The designated agent, manufacturer or dealer shall retain a copy of the temporary registration certificate and shall transmit the original of such certificate to the department, and one copy to the judge of probate or other county official authorized and required by law to issue motor vehicle license tags of the county in which the temporary license tag is issued, and one copy to the applicant.

Section 8. Every designated agent or manufacturer or dealer qualifying under Section 3 hereof shall maintain for one year a record of all temporary license tags and temporary registration certificates issued by him and shall maintain such other information pertaining to the issuance of temporary license by the designated agent, manufacturer or dealer shall be available for inspection and examination by duly authorized representatives of the department upon request.

Section 9. The department shall prescribe the design and material of the temporary license tags, temporary registration certificates, application forms, and all other notices and forms necessary to carry out the provisions of this Act and shall furnish a supply of such materials to designated agents or manufacturers or dealers qualifying under Section 3 hereof upon request. The department may make necessary investigations to procure information required to carry out the provisions of this Act, may adopt and enforce reasonable rules and regulations to carry out the provisions hereof, and may, after a hearing, revoke the authority to issue temporary license tags or registration certificates of any dealer or other person appointed by the department to act as a designated agent or any manufacturer or dealer whom it finds has failed to faithfully perform his duties under this Act.

Section 10. It shall be unlawful for any owner to make any false statement in making application for issuance of a temporary license tag and temporary registration certificate, or for any designated agent or manufacturer or dealer qualifying under Section 3 hereof to issue a temporary license

tag or temporary registration certificate with knowledge of such false statement, or for any person to operate a motor vehicle upon the public roads of this state with a temporary license tag which has expired. Anyone violating the provisions of this section shall be guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. This Act shall become effective October 1, 1979.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Harrison	Miller	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
Callahan	Holmes	Proctor	Weeks	
deGraffenried	Keener	Robertson		—22

Nays: —0

And said Bill, S. B. 136, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson	
Bailey	Hall	Little	Smith	
Barron	Harrison	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Denton	Keener	Proctor	Weeks	
Figures				—24

Nays: —0

The Bill:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Gulledge
Bailey	Callahan	Figures	Hall
Barron	Cook	Goodwin	Harrison

Higginbotham	Lemaster	Mitchem	Taylor
Holmes	Little	Parsons	Teague
Keener	McDonald	Proctor	Vacca
Kirkland	Miller	Smith	Weeks

—27

Nays:

—0

The Bill:

S. 109. To establish a statute of limitations for any action brought against a manufacturer or seller of any manufactured product for the recovery of damages for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or properly instruct with respect to such product; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this Act, and to provide the manner in which this bill shall become law.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 109, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 109

A BILL
TO BE ENTITLED
AN ACT

To provide for definition of terms as used in this Act; to provide a statement of Legislative intent; to provide a comprehensive system of time limitations for the commencement and maintenance of product liability actions; to provide that all product liability actions must be commenced within one (1) year from the time the personal injury, death or property damage occurs; to provide that where the personal injury is a result of insidious disease, the action must be commenced within one (1) year of the date such injury was or in the exercise of reasonable diligence should have been discovered; to provide that a product liability action must be brought, in any event, within eight (8) years of the date the product was put to use; to provide that time limitations provided herein may be waived by express written agreement; to provide that product liability actions arising from the breach of a duty to take or not to take certain actions with respect to a product, coinciding with the failure by the defendant to comply with a government requirement to take or not to take such action, may be brought within one (1) year of the time the personal injury, death or property damage arising from such failure occurs; to provide that such actions resulting from insidious disease may be brought within one (1) year from the date such personal injury was or in the exercise of reasonable diligence should have been discovered; to provide that such actions must be brought in any event within eight (8) years from the date of the imposition of the governmental requirements; to provide that the provisions of this Act are inseparable and nonseverable; to provide that this Act shall not be retroactive; and to provide a manner in which this bill becomes law.

Be It Enacted by the Legislature of Alabama:

Section 1. Statement of Legislative intent. It is the intent of the Legislature that a comprehensive system consisting of the time for commencement of actions, for discoverability of actions based upon insidious disease, and the

repose of actions shall be instituted in this State. The Legislature finds that in order to assure the rights of all persons, and to provide for the fair, orderly and efficient administration of product liability actions in the Courts of this State, a complete and unified approach to the time in which product liability actions may be brought and maintained is required. The Legislature finds that product liability actions and litigation have increased substantially, and the cost of such litigation has risen in recent years. The Legislature further finds that these increases are having an impact upon consumer prices, and upon the availability, cost and use of product liability insurance, thus, affecting the availability of compensation for injured consumers. Therefore, it is the intent of the Legislature to provide a comprehensive time framework for the commencement and maintenance of all product liability actions brought in this State.

Section 2. Definitions:

As used in this Act:

(a) An original seller means any person, firm, corporation, association, partnership or other legal or business entity, which in the course of business or as an incident to business, sells or otherwise distributes a manufactured product (1) prior to or (2) at the time the manufactured product is first put to use by any person or business entity who did not acquire the manufactured product for either resale or other distribution in its unused condition or for incorporation as a component part in a manufactured product which is to be sold or otherwise distributed in its unused condition.

(b) A product liability action means any action brought by a natural person for personal injury, death or property damage caused by the manufacture, construction, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, or labeling of a manufactured product when such action is based upon (1) negligence, (2) innocent or negligent misrepresentation, (3) the manufacturer's liability doctrine, (4) the Alabama Extended Manufacturer's Liability Doctrine, as it exists or is hereafter construed or modified, (5) breach of any implied warranty, or (6) breach of any oral express warranty and no other. A product liability action does not include any action for contribution or indemnity.

(c) The definitions used herein are to be used for purposes of this Act and are not to be construed to expand or limit the status of the common or statutory law except as expressly modified by the provisions of this Act.

Section 3. Limitation of product liability actions. All product liability actions against an original seller must be commenced within the following time limits and not otherwise:

(a)(1) Except as specifically provided in subsections (a)(3), (b), and (d) of this section, within one (1) year of the time the personal injury, death, or property damage occurs; and

(2) Except as specifically provided in subsections (a)(3), (b), and (d) of this section, each element of a product liability action shall be deemed to accrue at the time the personal injury, death or property damage occurs; and

(3) Provided that where the personal injury, including personal injury resulting in death, or property damage (i) either is latent or by its nature is not discoverable in the exercise of reasonable diligence at the time of its

occurrence, and (ii) is the result of ingestion of or exposure to some toxic or harmful or injury-producing substance, element or particle, including radiation, over a period of time as opposed to resulting from a sudden and fortuitous trauma, then, in that event, the product liability action claiming damages for such personal injury, or property damage must be commenced within one (1) year from the date such personal injury or property damage is or in the exercise of reasonable diligence should have been discovered by the plaintiff or the plaintiff's decedent, and in such cases each of the elements of the product liability action shall be deemed to accrue at the time the personal injury is or in the exercise of reasonable diligence should have been discovered by the plaintiff or the plaintiff's decedent; and

(b) Notwithstanding the provisions of subsections (a)(1), (a)(2), and (a)(3) of this section, a product liability action against an original seller must be brought within eight (8) years after the manufactured product is first put to use by any person or business entity who did not acquire the manufactured product for either resale or other distribution in its unused condition or for incorporation as a component part in a manufactured product which is to be sold or otherwise distributed in its unused condition.

(c) It is further provided that the original seller may by express written agreement only waive or extend the period of time provided for in subsection (b) of this section; and

(d)(1) Notwithstanding the provisions of subsection (b) of this section, if a plaintiff or plaintiff's decedent is entitled to maintain a product liability action because of the failure of an original seller to alter, repair, recall, inspect or issue warnings or instructions about the manufactured product, or otherwise to take any action or precautions with regard to the safety of the manufactured product for the benefit of users or consumers after the manufactured product was sold or otherwise distributed by an original seller, and, if any Federal or State governmental agency shall impose a requirement so to alter, repair, recall, inspect, or issue warnings or instructions about the manufactured product or otherwise to take any actions or precautions with regard to the safety of the manufactured product for the benefit of users or consumers after the manufactured product was sold or otherwise distributed by an original seller, then, if these two events have occurred, a product liability action for damages on account of such failure for personal injury, death or property damage must be commenced within one (1) year of the time of the personal injury, death or property damage resulting from such failure occurs;

(d)(2) Provided that in product liability actions predicated upon the failure to act and the governmental action, set forth in (d)(1) above, where the personal injury, including personal injury resulting in death, or property damage (i) either is latent or by its nature is not discoverable in the exercise of reasonable diligence at the time of its occurrence, and (ii) is the result of the ingestion of or exposure to some toxic or harmful or injury-producing substance, element or particle, including radiation, over a period of time as opposed to resulting from a sudden and fortuitous trauma, then in that event, the product liability action claiming damages for such personal injury or property damage must be commenced within one (1) year from the date such personal injury or property damage is or in the exercise of reasonable diligence should have been discovered by the plaintiff or the plaintiff's decedent and in such cases each of the elements of the product liability action shall be deemed to accrue at the time the personal injury or property damage is or in the exercise of reasonable diligence should have been discovered by the plaintiff or plaintiff's decedent; and

(d)(3) Notwithstanding the provisions of subsections (d)(1) and (d)(2) of this section, a product liability action against an original seller must be brought within eight (8) years after the date of the imposition of such requirement by such governmental agency.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. It is expressly provided that each section, clause, provision or portion of this Act shall be construed as inseparable and nonseverable from all others, and in the event that any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire Act and each section, clause, provision or portion thereof shall be inoperative and have no effect.

Section 6. This Act and each section thereof shall apply only to product liability actions, wherein each element accrues after the effective date of this Act, and no provision of this Act shall have retroactive application.

Section 7. This Act, except as otherwise provided in this section, shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law; provided that Section 3(a)(3) and Section 3(d)(2) shall become effective one (1) year and one (1) day after its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Smith
Bailey	Goodwin	Lemaster	Taylor
Britnell	Gulledge	Little	Teague
Cook	Hall	McDonald	Vacca
deGraffenried	Harrison	Miller	Weeks
Denton	Holmes	Parsons	White

—23

Nays:

—0

And said Bill, S. B. 109, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson
Bailey	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Proctor	

—26

Nays:

—0

Mr. Keener moved that the Senate reconsider the vote by which the Bill, S. B. 109, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Mr. Pegues:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 494. To the Committee on Education.

The President and Presiding Officer of the Senate announced the appointment of Messrs. Britnell, Proctor, Little, and Higginbotham as an ad hoc committee to facilitate action on the above Bill, H. B. 494.

BILLS ON THIRD READING RESUMED

The Bill:

S. 210. To define certain terms as used in this Act; to provide certain defenses to the liability of manufacturers and sellers in actions arising out of personal injury, death, or property damage allegedly due to defects in manufactured products; to establish a defense of subsequent alteration or modification of manufactured products; to establish a defense of manufacture of a product in accordance with the general state of the art; to establish a defense of manufacture of a product in accordance with applicable statutory or administrative regulations; to establish a defense of failure of any person to exercise reasonable prudence under the circumstance in the use of a manufactured product; to establish a defense of failure of an injured party to take reasonable safeguards, precautions, or actions in the use of a manufactured product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide for the manner in which this Act becomes law.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 210, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 210

A BILL
TO BE ENTITLED
AN ACT

To provide for a definition of terms as used in this Act; to provide a statement of Legislative intent; to provide that in all product liability actions, evidence that a plaintiff's medical or hospital expenses claimed as damages have been or will be paid or reimbursed by medical or hospital insurance or pursuant to the medical and hospital payment provisions of the law governing workmen's compensation shall be admissible in evidence; to provide that a plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such medical or hospital expenses; to provide that a plaintiff may recover as damages a reasonable related portion of the cost of obtaining such medical or hospital payments; to provide that where a plaintiff is obligated to repay such medical or hospital expenses no evidence of payment or reimbursement not otherwise admissible shall be admissible; to provide for the repeal of inconsistent laws or parts of law; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Be It Enacted by the Legislature of the State of Alabama.

Section 1. Statement of Legislative intent. The Legislature finds that product liability litigation has increased substantially and the cost of such litigation has risen in recent years. The Legislature further finds that these increases have an impact upon the price and availability of products. It is the belief of the Legislature that there are special reasons for modifying the collateral source rule in this State as it applies to product liability actions. The Legislature finds that the recovery by plaintiffs of medical and hospital expenses as damages where plaintiffs are reimbursed for the same medical and hospital expenses from other sources contributes to the increase in the cost of product liability litigation. It is the intent of the Legislature that plaintiffs be compensated fully for any medical or hospital expenses incurred as a result of injuries sustained from a breach of product liability laws, but that plaintiffs not receive compensation more than once for the same medical and hospital expenses.

Section 2. Definitions:

(a) A product liability action means any action brought by a natural person for personal injury, death or property damage caused by the manufacture, construction, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, or labeling of a manufactured product when such action is based upon (1) negligence, (2) innocent or negligent misrepresentation, (3) the manufacturer's liability doctrine, (4) the Alabama Extended Manufacturer's Liability Doctrine as it exists or is hereafter construed or modified, (5) breach of any implied warranty, or (6) breach of any oral express warranty and no other. A product liability action does not include an action for contribution or indemnity.

(b) The definition used herein is to be used for purposes of this Act and is not to be construed to expand or limit the status of the common or statutory law except as expressly modified by the provisions of this Act.

Section 3. In all product liability actions where damages for any medical or hospital expenses are claimed and are legally recoverable for personal injury or death, evidence that the plaintiff's medical or hospital expenses

have been or will be paid or reimbursed (1) by medical or hospital insurance or (2) pursuant to the medical and hospital payment provisions of law governing workmen's compensation, shall be admissible as competent evidence in mitigation of such medical or hospital expense damages. In such actions upon admission of evidence respecting reimbursement or payment of medical or hospital expenses, the plaintiff shall be entitled to introduce evidence of the cost of obtaining reimbursement or payment of medical or hospital expenses. Such portion of the costs of obtaining reimbursement or payment of medical or hospital expenses as the trier of fact finds is reasonably related to the reimbursement or payment received or to be received by the plaintiff shall be a recoverable item of such damages for medical or hospital expenses.

Section 4. In all product liability actions information respecting reimbursement or payment obtained or which may be obtained by the plaintiff for medical or hospital expenses shall be subject to discovery.

Section 5. Upon proof by the plaintiff to the Court that the plaintiff is obligated to repay the medical or hospital expenses which have been or will be paid or reimbursed, no evidence relating to such reimbursement or payment not otherwise admissible shall be admissible as a result of this Act.

Section 6. All other laws, or parts of laws, which are in any manner inconsistent with this Act are repealed to the extent that they are inconsistent with this Act.

Section 7. If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision of this Act which is not in and of itself invalid or unconstitutional. Moreover, if the application of this Act, or of any portion hereof, to any person or circumstance is held invalid, the invalidity shall not affect the application of the Act to other persons or circumstances which can be given effect without the invalid provision or application.

Section 8. This Act shall not affect any rights which have accrued prior to the effective date of this Act.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	McDonald	Taylor
Barron	Higginbotham	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Goodwin	Lemaster	Robertson	

—26

Nays:

—0

And said Bill, S. B. 210, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson	
Bailey	Hall	Little	Smith	
Barron	Harrison	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Goodwin	Kirkland			—25

Nays:

—0

Mr. Keener moved that the Senate reconsider the vote by which the Bill, S. B. 210, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 537. To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of peanuts, milk, and cotton and peanut, milk and cotton products; and to provide for assessment and fees to pay for the cost thereof.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Harrison	McDonald	Vacca	
Callahan	Higginbotham	Miller	Weeks	
deGraffenried	Holmes	Mitchem	White	
Denton	Keener	Parsons		—26

Nays:

—0

Mr. Bailey moved that the Senate reconsider the vote by which the Bill, S. B. 537, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Proctor
Barron	Gulledge	Lemaster	Robertson
Britnell	Hall	Miller	Smith
deGraffenried	Harrison	Mitchem	Taylor
Denton	Higginbotham	Parsons	Vacca
Figures	Holmes	Pearson	White

—23

Nays: —0

The Bill:

S. 289. To authorize the Director of the Finance Department with the Governor's approval in certain instances to transfer certain assets of the state insurance fund to the general fund.

as amended on the Seventeenth Legislative Day, was again taken up.

Mr. Pearson moved that further consideration of the Bill, S. B. 289, as amended, be temporarily postponed and further moved that, in its place, the Bill, S. B. 442, be taken up, which motion was adopted.

The Bill:

S. 442. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Barron	Harrison	Miller	Smith
Britnell	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	White

—23

Nays: —0

The Bill:

S. 482. To provide for Grand Jury proceedings to be secret and that secrecy inviolate; and further, to provide for the form and content of Grand

Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; and further prescribes criminal penalties for the obstruction of Grand Jury witnesses and their testimony.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 482, to-wit:

COMMITTEE SUBSTITUTE FOR SENATE BILL 482

A BILL TO BE ENTITLED AN ACT

To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further prescribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

Be It Enacted by the Legislature of Alabama:

SECTION I. The Legislature hereby finds, declares and determines that it is essential to the fair and impartial administration of justice that all Grand Jury proceedings be secret and that the secrecy of such proceedings forever remain inviolate. The provisions of this act are to be construed for the accomplishment of this purpose and to promote the following:

(a) That Grand Juries have the utmost freedom in their discussions, deliberations, considerations, debates, opinions, and votes without fear or apprehension that the same may be subsequently disclosed, or that they may be subject to outside pressure or influence or injury in their person or property as a result thereof.

(b) That those persons who have information or knowledge with respect to the commission of crimes or criminal acts be encouraged to testify freely and truthfully before an appropriate Grand Jury without fear or apprehension that their testimony may be subsequently disclosed, or that they may be subject to injury in their person or property as a result thereof.

(c) That those persons who have committed criminal acts or whose indictment may be contemplated not escape or flee from the due administration of justice.

(d) That those persons falsely accused of criminal acts are not subject to public scrutiny or display and their otherwise good names and reputations are left intact.

Section II. No person who is or has been authorized or summoned by law to be present at, within, or before any Grand Jury of this state, including but not limited to, past or present Grand Jurors, witnesses, Grand Jury Reporters or stenographers, court officials or officers, judicial officers or officers, prosecutors or any person acting or who has acted as a prosecutor in any criminal case, nor any other person shall at any time directly or indirectly, conditionally or unconditionally, by any means whatever, reveal,

disclose or divulge or attempt or endeavor to reveal, disclose or divulge or cause to be revealed, disclosed or divulged, any knowledge of or information pertaining to any Grand Jurors' questions, considerations, debates, deliberations, opinions or votes on any case, evidence, or other matter taken within or occurring before any Grand Jury of this state; nor shall any person at any time, directly or indirectly, conditionally or unconditionally by any means whatever, corruptly or with intent to influence a Grand Juror or other person authorized by law to attend a Grand Jury, or by threat of harm to person or property, or by force applied to person or property, or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit, or thing of value of whatever nature or kind, obtain or endeavor to obtain, any information pertaining to, or any knowledge of any Grand Juror's questions, considerations, debate, deliberations, opinions or votes on any case, evidence or other matter taken or transpiring within or before any Grand Jury of this state.

Section III. No person who is or has been authorized by law to be present at, within, or before any Grand Jury of this state, including but not limited to, past or present Grand Jurors, witnesses, Grand Jury Reporters or stenographers, court officials or officers, judicial officials or officers, prosecutors or any person acting or who has acted as a prosecutor in any criminal case nor any other person, shall at any time, directly or indirectly, conditionally or unconditionally, by any means whatever, reveal, disclose or divulge or endeavor to reveal, disclose or divulge or cause to be revealed, disclosed or divulged, any knowledge of the form, nature or content of any physical evidence presented to any Grand Jury of this state or any knowledge of the form, nature or content of any question propounded to any person within or before any Grand Jury or any comment made by any person in response thereto or any other evidence, testimony, or conversation occurring or taken therein; nor shall any person at any time directly or indirectly, conditionally or unconditionally, by any means whatever, corruptly or by threats of harm to person or property, or by force applied to person or property or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit or thing of value of whatever nature and kind, obtain or endeavor to obtain any knowledge of the form, nature or content of any physical evidence presented to any Grand Jury of this state, or any knowledge of the form, nature or content of any question propounded to any person with in or before any Grand Jury, or any knowledge of the form, nature or content of any answer or comment made by any person in response thereto, or any other evidence, testimony, or conversation occurring or taken therein.

Provided, however, the State of Alabama shall not be precluded from using the testimony of a Grand Jury witness to impeach that witness's testimony in the trial of a criminal case, nor shall the State of Alabama be precluded from using Grand Jury testimony to prosecute a perjury warrant or indictment. Further, provided however, that Grand Jury evidence and testimony may be presented to Grand Juries of other circuits and jurisdictions upon the issuance of a proper Grand Jury subpoena.

SECTION IV. No person shall by any means whatever, directly or indirectly, conditionally or unconditionally, obstruct, impede or prevent or attempt or endeavor to obstruct, impede or prevent any person summoned, subpoenaed or called to testify before any Grand Jury of this state or who may be summoned, subpoenaed or called before any such Grand Jury from attending or appearing before the same. Nor shall any person, by any means whatever, directly or indirectly, conditionally or unconditionally

induce or coerce or attempt or endeavor to induce or coerce any such person to give any false testimony or withhold any true testimony within or before such Grand Juries.

SECTION V. No person shall injure or endeavor to injure the property or person or any Grand Juror, witness, prosecutor, judicial officer, or Grand Jury Reporter as a result of their participation, in appearance, or testimony before any duly empaneled Grand Jury.

SECTION VI. Any Prosecutor, Grand Jury Foreman, or Circuit Court may require all persons testifying in or before a Grand Jury to submit to an oath or affirmation of secrecy. The failure of any witness to be so sworn shall not relieve such witness of any criminal liability imposed by this Act.

SECTION VII. Grand Jury evidence and matters other than the questions, considerations, debates, deliberations, opinions or votes of any Grand Juror may be disclosed by a District Attorney or other prosecutor solely in the performance of his official duties. Provided however, nothing contained in this Act shall prevent a District Attorney or other prosecutor from disclosing such evidence to members of his staff for the purposes of bona fide criminal investigations and prosecutions.

SECTION VIII. A District Attorney or other prosecutor may, in his or her discretion with the consent of a Circuit Judge of the Circuit in which he or she serves, disclose evidence taken within or before the Grand Juries of such Circuit to law enforcement officers for the purposes of bona fide investigations into violations of criminal law.

SECTION IX. No provision of this Act shall be construed to deny a witness or criminal defendant the right to confer with or be represented by counsel concerning his appearance within or testimony before a duly empaneled Grand Jury.

SECTION X. Grand Juries shall make no reports critical of any citizen of this state without returning an indictment or bill of impeachment against the same. It shall be the duty of the Circuit Judges of the respective Judicial Circuits of this state, on their own motion, to expunge from any such Grand Jury Report any and all critical aspects unless there has been an indictment or bill of impeachment returned against the person or persons affected.

SECTION XI. The Grand Juries of this state may make written reports as provided by law; however, the Judges of each Judicial Circuit may provide by court rule for the form and content of such Grand Jury Reports to accomplish the purposes of this act.

SECTION XII. Any person violating the provisions of this Act shall be guilty of a felony and shall be punished by imprisonment for not less than one (1) nor more than three (3) years, or fined not more than \$5,000, or both.

SECTION XIII. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed; provided, however, the criminal penalties imposed by this Act shall be cumulative. This Section shall not be construed to preclude the applicability of any other provision of the criminal laws of this State which presently apply or may in the future apply to any transaction or event which violates the provisions of this Act unless such provision is inconsistent with the terms of this Act. Nor shall the Circuit Courts of this State be precluded from utilizing any contempt powers or sanctions which may apply to Acts or events which violate the provisions of this Act. Further, the Circuit Judges of this State may issue whatever other orders as may be necessary to accomplish the purposes of this Act.

SECTION XIV. The provisions of this Act are severable. If any part of this Act is declared unconstitutional in content or application, such declaration shall not effect that part which remains.

SECTION XV. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

On motion of Mr. White, said substitute was laid on the table.

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 482, to-wit:

COMMITTEE AMENDMENT TO S. B. 482

Amend Senate Bill 482, page 4, line 25, by inserting after the word "Alabama", the words, "or the defendant or defendants".

On motion of Mr. White, said amendment was laid on the table.

Mr. White then offered the following substitute for the Bill, S. B. 482, to-wit:

SUBSTITUTE FOR S. B. 482

A BILL
TO BE ENTITLED
AN ACT

To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further prescribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

Be It Enacted by the Legislature of Alabama:

SECTION I. The Legislature hereby finds, declares and determines that it is essential to the fair and impartial administration of justice that all Grand Jury proceedings be secret and that the secrecy of such proceedings remain inviolate. The provisions of this act are to be construed for the accomplishment of this purpose and to promote the following:

(a) That Grand Juries have the utmost freedom in their discussions, deliberations, considerations, debates, opinions, and votes without fear or apprehension that the same may be subsequently disclosed, or that they may be subject to outside pressure or influence or injury in their person or property as a result thereof.

(b) That those persons who have information or knowledge with respect to the commission of crimes or criminal acts be encouraged to testify freely and truthfully before an appropriate Grand Jury without fear or apprehension that their testimony may be subsequently disclosed, or that they may be subject to injury in their person or property as a result thereof.

(c) That those persons who have committed criminal acts or whose indictment may be contemplated not escape or flee from the due administration of justice.

(d) That those persons falsely accused of criminal acts are not subject to public scrutiny or display and their otherwise good names and reputations are left intact.

Section II. No past or present Grand Juror, past or present Grand Jury witness or Grand Jury Reporter or stenographer shall at any time directly or indirectly, conditionally or unconditionally, by any means whatever, reveal, disclose or divulge or attempt or endeavor to reveal, disclose or divulge or cause to be revealed, disclosed or divulged, any knowledge or information pertaining to any Grand Jurors; questions, considerations, debates, deliberations, opinions or votes on any case, evidence, or other matter taken within or occurring before any Grand Jury of this state; nor shall any person at any time, directly or indirectly, conditionally or unconditionally by any means whatever, corruptly or with intent to influence a Grand Juror or other person authorized by law to attend a Grand Jury, or by threat of harm to person or property, or by force applied to person or property, or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit, or thing of value of whatever nature or kind, obtain or endeavor to obtain, any information pertaining to, or any knowledge of any Grand Juror's questions, considerations, debate, deliberations, opinions or votes on any case, evidence or other matter taken or transpiring within or before any Grand Jury of this State.

Section III. No past or present Grand Juror, past or present Grand Jury witness or Grand Jury Reporter or stenographer shall at any time, directly or indirectly, conditionally or unconditionally, by any means whatever, reveal, disclose or divulge or endeavor to reveal, disclose or divulge or cause to be revealed, disclosed or divulged, any knowledge of the form, nature or content of any physical evidence presented to any Grand Jury of this state or any knowledge of the form, nature or content of any question propounded to any person within or before any Grand Jury or any comment made by any person in response thereto or any other evidence, testimony, or conversation occurring or taken therein; nor shall any person at any time directly or indirectly, conditionally or unconditionally, by any means whatever, corruptly or with intent to influence a Grand Juror or other person authorized by law to attend a Grand Jury, or by threats of harm to person or property, or by force applied to person or property or by threatening letter or communication, or by offer of reward, remuneration, gift, benefit or thing of value of whatever nature and kind, obtain or endeavor to obtain any knowledge of the form, nature or content of any physical evidence presented to any Grand Jury of this state, or any knowledge of the form, nature or content of any question propounded to any person with in or before any Grand Jury, or any knowledge of the form, nature or content of any answer or comment made by any person in response thereto, or any other evidence, testimony, or conversation occurring or taken therein.

Provided however, the State of Alabama shall not be precluded from using the testimony of a Grand Jury witness to impeach that witness's testimony in the trial of a criminal case, nor shall the State of Alabama be precluded from using Grand Jury testimony to prosecute a perjury warrant or indictment, nor shall the State of Alabama be precluded from using Grand Jury testimony in any manner otherwise permitted by law. Further, provided however, that Grand Jury evidence and testimony may be presented to Grand Juries of other circuits and jurisdictions upon the issuance of a proper Grand Jury subpoena.

SECTION IV. No person shall by any means whatever, directly or indirectly, conditionally or unconditionally, obstruct, impede or prevent or attempt or endeavor to obstruct, impede or prevent any person summoned, subpoenaed or called to testify before any Grand Jury of this state or who may be summoned, subpoenaed or called before any such Grand Jury from attending or appearing before the same. Nor shall any person, by any means whatever, directly or indirectly, conditionally or unconditionally induce or coerce or attempt or endeavor to induce or coerce any such person to give false testimony or withhold any true testimony within or before such Grand Juries.

SECTION V. No person shall injure or endeavor to injure the property or person or any Grand Juror, witness, prosecutor, judicial officer, or Grand Jury Reporter as a result of their participation in, appearance, or testimony before any duly empaneled Grand Jury.

SECTION VI. Any Prosecutor, Grand Jury Foreman, or Circuit Court may require all persons testifying in or before a Grand Jury to submit to an oath or affirmation of secrecy. The failure of any witness to be so sworn shall not relieve such witness of any criminal liability imposed by this Act.

SECTION VII. Grand Jury evidence other than the questions, considerations, debates, deliberations, opinions or votes of any Grand Juror may be disclosed by a District Attorney or other prosecutor in the performance of his official duties to members of his staff for the purposes of bona fide criminal investigations and prosecutions.

SECTION VIII. A District Attorney or other prosecutor may, in his or her discretion disclose evidence taken within or before the Grand Juries of such Circuit to law enforcement officers for the purpose of bona fide investigations into violations of criminal law.

A District Attorney or a Circuit Judge, in the public interest, may disclose the date, time and place that a particular case will be or was presented to a Grand Jury, or that a particular matter or case was continued by a Grand Jury and to what date, if any, or that a No Bill or an Indictment was returned thereon, or that a particular defendant was otherwise exonerated or falsely accused.

SECTION IX. No provision of this Act shall be construed to deny a witness or criminal defendant the right to confer with or be represented by counsel concerning his appearance within or testimony before a duly empaneled Grand Jury, provided however, nothing contained in this section shall be construed so as to permit or authorize such persons to be accompanied by counsel within a Grand Jury.

SECTION X. Grand Juries shall make no reports critical of any citizen of this state without returning an indictment or bill of impeachment against the same. It shall be the duty of the Circuit Judges of the respective Judicial Circuits of this state, on their own motion, to expunge from any such Grand Jury Report any and all such critical portions unless there has been an indictment or bill of impeachment returned against the person or persons affected. Provided however, this section shall not be construed to prohibit a Grand Jury from examining and reporting upon the condition of any public facility, agency or account or the books and records thereof, where such examination and reporting is specifically authorized by statute.

SECTION XI. The Grand Juries of this state may make written reports as provided by law, however, the Judges of each Judicial Circuit may provide by court rule for the form and content of such Grand Jury Reports to accomplish the purposes of this act.

SECTION XII. Any person violating the provisions of this Act shall be guilty of a felony and shall be punished by imprisonment for not less than one (1) nor more than three (3) years, or fined not more than \$5,000.00, or both.

SECTION XIII. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed; provided, however, the criminal penalties imposed by this Act shall be cumulative. This Section shall not be construed to preclude the applicability of other provision of the criminal laws of this State which presently apply or may in the future apply to any transaction or event which violates the provisions of this Act unless such provision is inconsistent with the terms of this Act. Nor shall the Circuit Courts of this State be precluded from utilizing any contempt powers or sanctions which may apply to Acts or events which violate the provisions of this Act. Further, the Circuit Judges of this State may issue whatever other orders as may be necessary to accomplish the purposes of this Act.

SECTION XIV. The provisions of this Act are severable. If any part of this Act is declared unconstitutional in content or application, such declaration shall not effect that part which remains.

SECTION XV. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Higginbotham	Smith
Bailey	Figures	Holmes	Taylor
Barron	Goodwin	Keener	Teague
Britnell	Gulledge	Little	Vacca
Callahan	Hall	Mitchem	Weeks
Cook	Harrison	Parsons	White

—23

Nays:

—0

And said Bill, S. B. 482, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Hall	Lemaster	Proctor
Bailey	Harrison	Little	Smith
Barron	Higginbotham	McDonald	Taylor
Britnell	Holmes	Miller	Teague
Figures	Keener	Mitchem	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge			

—24

Nay: Mr. Denton.

—1

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 482, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 349

The Senate proceeded to further consideration of the Bill, S. B. 349, and pending substitute.

On motion of Mr. Callahan, further consideration of said Bill, S. B. 349, and pending substitute, was postponed until the next Legislative Day as Unfinished Business.

BILLS ON THIRD READING RESUMED

The Bill:

S. 219. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith
Bailey	Gulledge	Lemaster	Taylor
Barron	Hall	Little	Teague
Britnell	Harrison	McDonald	Vacca
Cook	Higginbotham	Miller	Weeks
Denton	Holmes	Mitchem	White
Figures	Keener	Robertson	—26

Nays: —0

POINT OF PERSONAL PRIVILEGE

Mr. Little requested that the following statement be spread upon the Journal, to-wit:

I ask for unanimous consent for the record to show that had I not been unavoidably occupied on the Senate floor with another matter of Senate concern, I would have voted "Nay" on the adoption of the substitute for H. B. 225 and furthermore I would have voted "Nay" on final passage of said bill.

T. D. LITTLE,
Senator—Dist. No. 21.

BILLS ON THIRD READING RESUMED

The Bill:

S. 283. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the

certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

was taken up.

Under the provisions of Senate Rule 14 (4), Mr. Proctor was granted unanimous consent to take up the Bill:

H. 347. To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

in place of the Bill, S. B. 283.

And said Bill, H. B. 347, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Smith	
Bailey	Gulledge	Little	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Higginbotham	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener	Robertson		—26

Nays: —0

On motion of Mr. Proctor, further consideration of the Bill, S. B. 283, was indefinitely postponed.

The Bill:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Figures	Keener	Robertson	
Bailey	Goodwin	Kirkland	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Miller	Teague	
Callahan	Harrison	Mitchem	Weeks	
Cook	Higginbotham	Parsons	White	
Denton	Holmes	Proctor		—26

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 257. RELATIVE TO MEETING DAYS OF THE LEGISLATURE THROUGH JULY 17, 1979.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 468. To amend section 6-2-30 of the Code of Alabama 1975, which relates to the commencement of civil actions, so as to specify the date on which the elements of a civil action for injury to the person or rights of another shall first be deemed to accrue.

was taken up.

Mr. Cook moved that consideration of the Bill, S. B. 468, be postponed until the Twenty-Eighth Legislative Day.

Mr. Cook then offered a substitute motion that consideration of the Bill, S. B. 468, be postponed until the Twenty-Fifth Legislative Day.

On motion of Mr. Keener, the motion to postpone to the Twenty-Fifth Legislative Day was laid on the table.

Yeas 15; Nays 12.

Yeas:

Messrs.:	Figures	Keener	Parsons
Bailey	Hall	Kirkland	Pearson
Britnell	Harrison	Little	Proctor
deGraffenried	Holmes	McDonald	Smith

—15

Nays:

Messrs.:	Denton	Lemaster	Taylor
Barron	Gulledge	Miller	Weeks
Callahan	Higginbotham	Mitchem	White
Cook			

—12

The question then recurred on the original motion of Mr. Cook, that consideration of the Bill, S. B. 468, be postponed until the Twenty-Eighth Legislative Day.

On motion of Mr. Keener, the motion to postpone was laid on the table.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint

Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 34

S. B. 39

S. B. 361

S. B. 44

S. J. R. 77

S. J. R. 79

S. J. R. 81

S. J. R. 84

S. J. R. 85

S. J. R. 86

S. J. R. 88

S. J. R. 93

S. J. R. 97

S. J. R. 106

S. J. R. 107

Delivered to the Governor, June 26, 1979, at 2:10 P.M.

S. B. 81

Delivered to the Governor, June 26, 1979, at 1:35 P.M.

S. J. R. 70

Delivered to the Governor, June 26, 1979, at 3:45 P.M.

S. B. 16

S. J. R. 111

S. B. 95

Delivered to the Governor, June 26, 1979, at 5:10 P.M.

S. B. 25

S. B. 55

S. B. 483

Delivered to the Governor, June 28, 1979, at 10:45 A.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REGULAR SESSION
23rd Day

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ADJOURNMENT

At 8:05 P.M., on motion of Mr. McDonald, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 468 and 349, the Senate adjourned until Tuesday, July 10, 1979, at 2 o'clock P.M.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Goodwin	McDonald	Smith	
Barron	Gulledge	Miller	Taylor	
Britnell	Higginbotham	Mitchem	Weeks	
Denton	Lemaster	Robertson	White	—15

Nays:

Messrs.:	Figures	Keener	Pearson	
Bailey	Hall	Kirkland	Proctor	
Callahan	Harrison	Little	Teague	
deGraffenried	Holmes	Parsons		—14

